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No. 2507: February 15, 1925

## THE REORGANIZATION OF STATE ADMINISTRATION IN TEXAS

By

FRANK MANN STEWART

Adjunct Professor of Government



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The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government.

Sam Houston

Cultivated mind is the guardian genius of democracy. . . . It is the only dictator that freemen acknowledge and the only security that freemen desire.

Mirabeau B. Lamar

## PREFACE

This bulletin is an attempt to apply to the Texas State Administration the principles of reorganization which are the product of the recent movement to reconstruct State Government. Studies made and plans adopted in other states afford the basis for the conclusions. It is prepared primarily for public officials and citizens interested in the improvement of governmental organization and service.

Chapter IV of Part I appeared in the *Southwestern Political and Social Science Quarterly* of December, 1924. Grateful acknowledgement is made to the editor for permission to reprint this material.

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F. M. S.





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Part I

PRESENT ORGANIZATION OF STATE  
ADMINISTRATION





# CHAPTER I

## INTRODUCTION

### THE NEED FOR ADMINISTRATIVE REORGANIZATION

The increasing cost of State Government in Texas and the recurring difficulty of providing revenue to meet constantly growing expenditures emphasize the urgent necessity of a reorganization of the State's administrative machinery to the end that expenditures may be curtailed and efficiency promoted.

Government costs, as shown by official reports, have mounted steadily within the last thirty years. In 1891 the biennial appropriations for the support of the State Government amounted to \$5,399,966.90 and the per capita cost was \$2.41; in 1901 the Twenty-seventh Legislature appropriated \$7,396,953.37, the per capita cost being \$2.42; in 1911 appropriations totaled \$10,610,371.60 and the per capita cost increased to \$2.72; in 1919-1920 approximately \$37,318,000 was appropriated, making the per capita cost more than \$7. In the period from 1891-1920 population increased from 2,235,523 to 4,661,027 and assessed valuations rose from \$856,200,283 to \$3,200,295,205.<sup>1</sup>

The growth of the State in population and resources, and the gradual trend from a purely agricultural State toward an urban and industrial State are responsible for a part of the increased public expenditures.

Another reason, as expressed by Governor Neff, is that the State Government "is acting as guardian for too many private enterprises."<sup>2</sup> This is reflected in the creation of seventy State agencies since 1876, fifty-seven having been created since 1900, and thirty-one within the last decade.

The multiplication of administrative agencies is the result of the lack of effective planning in the State's business. In

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<sup>1</sup>*Report of the State Tax Commissioner, 1920*, pp. 15-16.

<sup>2</sup>*House Journal, 37th Leg., 1st and 2d called sess. (1921)*, p. 83.

many cases, in the confusion of legislative sessions, new boards and offices have been created without any attempt being made to ascertain if existing agencies could handle the new functions.

As a result of this haphazard method of organizing the administration, the State is, according to Governor Neff, "burdened with governmental agencies. It is top heavy. We have too much machinery . . . too much overhead expense," and too much "duplication and triplication of work."<sup>3</sup>

The simplification and reorganization of the State administration in the interest of efficiency and economy is a matter of the highest importance to the State.

#### SCOPE OF THIS STUDY

It is necessary here to state definitely the scope of the reorganization plan which will be proposed. In the first place, the plan deals only with the administrative branch of the State Government, omitting consideration of the Legislature and the courts. Moreover, the plan is limited to changes in the machinery of government; changes in substantive law are not proposed.

Only administrative departments and officials whose duties are statewide are included in the proposed plan. This excludes officials whose duties are outside the State or are confined to some local unit, even though they receive State appointments. Such officials are: Commissioner of Deeds, Notary Public, Public Weigher, and Branch Pilot.

Temporary boards and commissions have also been omitted, e.g., the Educational Survey Commission, Codification Commission, Eleemosynary Commission, and Forestry Committee.

Finally, several agencies which have ceased to function are not considered, e.g., the Naval Board and Bureau of Child and Animal Protection.

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<sup>3</sup>*Ibid.*, p. 82.

## CHAPTER II

### PRESENT ORGANIZATION OF STATE GOVERNMENT<sup>1</sup>

Texas Government is divided into three parts by the Constitution of 1876. The Legislature consists of a Senate and House of Representatives. The Judiciary is composed of a Supreme Court and other courts provided by the Constitution and statutes.<sup>2</sup>

The organization of the executive department is outlined in the Constitution as follows: "The executive department of the State shall consist of a Governor, who shall be the Chief Executive Officer of the State, a Lieutenant-Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and the Attorney General."<sup>3</sup>

State administration now consists of ninety-one officers, boards and commissions, eleven owing their origin to the Constitution and eighty to statutes.<sup>4</sup> The following table gives the names of these State agencies with the dates of their creation:

#### STATE OFFICERS, BOARDS, COMMISSIONS AND INSTITUTIONS

(In chronological order of their creation.)<sup>5</sup>

|                                     |                   |
|-------------------------------------|-------------------|
| 1824 Governor                       | State of Coahuila |
| Lieutenant Governor (Vice-Governor) | and Texas         |
| 1825 Secretary of State             |                   |
| 1827 Attorney-General (Fiscal)      |                   |

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<sup>1</sup>Frank Mann Stewart, *Officers, Boards, and Commissions of Texas* (Univ. of Tex. Bull. No. 1854); and Laws, 36th, 37th, and 38th Legs., regular and called sess. (1919, 1921, 1923).

<sup>2</sup>*Constitution*, art. 2; art. 3, sec. 1; art. 5, sec. 1.

<sup>3</sup>*Ibid.*, art. 4, sec. 1.

<sup>4</sup>See chart, p. 13.

<sup>5</sup>This list does not include minor and temporary agencies created from time to time, nor does it include agencies abolished or consolidated with existing departments. The date of creation is the time

|      |   |                     |
|------|---|---------------------|
| 1835 | Comptroller of Public Accounts                        | Provisional Govern- |
|      | Treasurer   | ment of Texas       |
|      | Ranger Force <sup>6</sup>                             |                     |
| 1836 | Adjutant General                                      | Republic of Texas   |
|      | Commissioner of the General Land                      |                     |
|      | Office  |                     |
| 1839 | State Library <sup>7</sup>                            |                     |
| 1842 | State Penitentiary                                    |                     |
| 1846 | Commissioner of Deeds                                 | State of Texas      |
|      | Commissioners of Pilots                               |                     |
|      | Prison Commissioners <sup>8</sup>                     |                     |
| 1852 | Auditor for the Prison System                         |                     |
| 1854 | State Cemetery  |                     |
|      | Supreme Court Library                                 |                     |
| 1856 | Supreme Court Librarian                               |                     |
|      | Deaf and Dumb Institute                               |                     |
|      | State Lunatic Asylum <sup>a</sup>                     |                     |
|      | Texas School for Blind                                |                     |
| 1858 | Board of Regents of University of Texas. <sup>9</sup> |                     |
| 1866 | State Librarian                                       |                     |
|      | State Board of Education                              |                     |
|      | State Superintendent of Public Instruction            |                     |

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fixed by the statute for the establishment of the first office, or a related one, and is not always the date of the organization of the office in its present form. Statutory dates for the establishment of institutions are not always the same as dates of actual establishment.

<sup>6</sup>A ranger force for the protection of the frontier and the suppression of lawlessness has been maintained almost continuously since 1835. In 1870 a State police was organized, but was abolished a few years later. The present organization of the ranger force dates from a law of 1901.

<sup>7</sup>The State Library was placed under the control of the Secretary of State in 1848; in 1866 the office of State librarian was created; from 1876 to 1909 it was under the Department of Insurance, Statistics, and History; in 1909 the Library and Historical Commission was established.

<sup>8</sup>The law for the present organization of the Commission was passed in 1910.

<sup>a</sup>Name changed to Austin State Hospital by H. B. no. 249, 39th Leg., 1925. Names of other institutions for the insane were changed to Rusk State Hospital, Wichita Falls State Hospital, Terrell State Hospital, and San Antonio State Hospital. The name of the State Farm Colony for the Feeble Minded was changed to the Austin State School, and the State Epileptic Colony to the Abilene State Hospital.

<sup>9</sup>A second law for the establishment of the University was passed in 1881 and the University was opened in 1883.



- 1871 Agricultural and Mechanical College of Texas
- 1875 Board of Directors of Agricultural and Mechanical College of Texas
  - Assistant Attorney-General in Court of Criminal Appeals
- 1876 Insurance Commissioner<sup>10</sup>
  - Board to Approve Contracts for Fuel and Public Printing
  - State Election Board
- 1879 State Health Officer
  - Sam Houston State Teachers' College
  - Prairie View State Normal and Industrial College
  - Game, Fish and Oyster Commissioner<sup>11</sup>
- 1883 North Texas Hospital for the Insane
- 1887 Commissioner of Agriculture<sup>12</sup>
  - Deaf, Dumb and Blind Institute for Colored Youths
  - State Juvenile Training School
  - Orphans' Home
- 1889 Agricultural Experiment Station
  - Southwestern Insane Asylum
- 1891 Railroad Commission
  - Confederate Home
  - State Text Book Commission
- 1893 Live Stock Sanitary Commission
  - State Board of Examiners for Teachers
  - Board of Pardon Advisers
- 1897 San Jacinto State Park Commissioners
  - State Board of Dental Examiners<sup>13</sup>
- 1899 State Expert Entomologist
  - Epileptic Colony
  - North Texas State Teachers' College
  - Southwest Texas State Teachers' College
- 1901 Board of Regents of the College of Industrial Arts
  - Board of Medical Examiners<sup>14</sup>

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<sup>10</sup>Originally the Department of Insurance, Statistics, and History.

<sup>11</sup>The office of Fish Commissioner was created in 1879 and abolished shortly afterwards. In 1895 a Fish and Oyster Commissioner was created; in 1907 the title was changed to Game, Fish, and Oyster Commissioner.

<sup>12</sup>In 1887 a Bureau of Agriculture was organized as a part of the Department of Insurance, Statistics, and History, and the name of the Department was changed to the Department of Agriculture, Insurance, Statistics, and History. A separate Department of Agriculture was established in 1907.

<sup>13</sup>District boards had been created in 1889.

<sup>14</sup>A Board of Medical Censors was created in 1837, but abolished a few years later. Licensing of physicians was done by county boards (1873) and by district boards (1876). Three boards for the separate schools of practitioners were established in 1901. A single board was provided in 1907.

- 1903 Pasteur Institute
  - State Board of Embalming
  - Board of Legal Examiners<sup>15</sup>
- 1905 State Tax Commissioner
  - State Intangible Tax Board
  - State Depository Board
  - Banking Commissioner<sup>16</sup>
- 1907 State Board of Pharmacy<sup>17</sup>
  - State Mining Board
  - State Inspector of Mines
  - State Board to Calculate Tax Rate
  - State Anatomical Board
- 1909 Commissioner of Labor Statistics
  - State Board of Health
  - State Reclamation Engineer<sup>18</sup>
  - State Board of Nurse Examiners
  - Legislative Reference Librarian
  - State Fire Insurance Commission
  - Texas Library and Historical Commission
  - State Banking Board
  - West Texas State Teachers' College
- 1910 State Fire Marshal
  - State Board to Select Auditor for Prison System
- 1911 State Chemist
  - State Normal School Board of Regents
  - State Board of Veterinary Medical Examiners
  - Confederate Woman's Home
  - Tuberculosis Sanatorium<sup>19</sup>
- 1913 Industrial Accident Board
  - State Veterinarian
  - Board of Water Engineers
  - Gonzales State Park Commissioners
  - State Bureau of Child and Animal Protection
  - Girls' Training School

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<sup>15</sup>Before 1903 the licensing of attorneys was conducted by the courts. In 1903 a Board of Legal Examiners was established in each Supreme Judicial District. In 1919 a single board was established.

<sup>16</sup>The Commissioner of Insurance was made ex-officio Superintendent of Banking in 1905. In 1909 the Department became the Department of Insurance and Banking. In 1923 a separate Department of Banking was created.

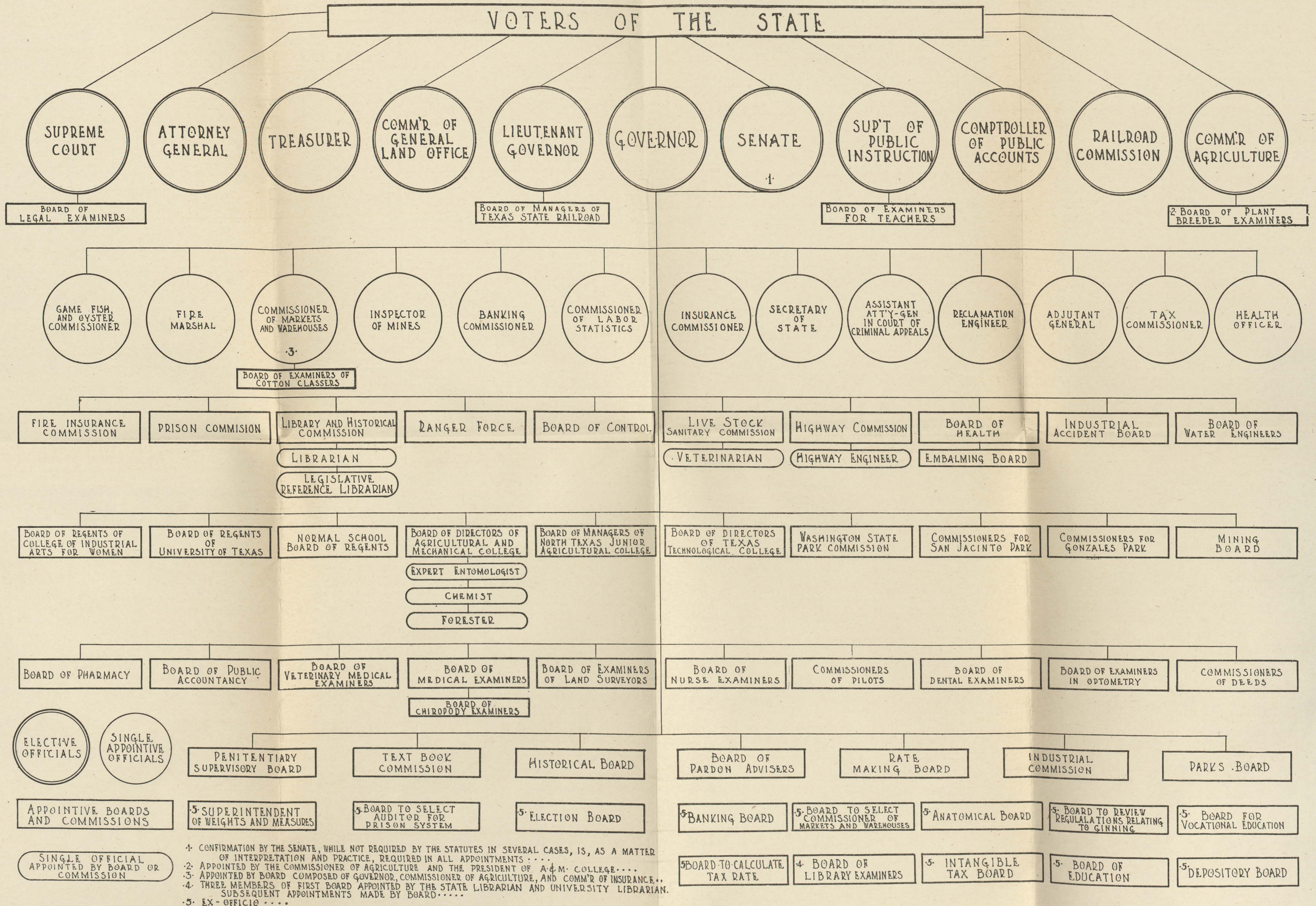
<sup>17</sup>District boards were created in 1889.

<sup>18</sup>A State Levee and Drainage Commissioner was created in 1909; in 1913 the name was changed.

<sup>19</sup>Two tuberculosis colonies were established in 1911. In 1913 the law provided for one institution.



# PRESENT ADMINISTRATIVE ORGANIZATION OF TEXAS STATE GOVERNMENT









- 1915 State Forester
  - State Board of Public Accountancy
  - Texas Naval Board
  - State Farm Colony for Feeble Minded
  - Hospital for Crippled and Deformed Children
- 1917 State Highway Engineer
  - State Highway Commission
  - Commissioner of Markets and Warehouses<sup>20</sup>
  - Board of Managers of North Texas Junior Agricultural College
  - Board of Examiners of Cotton Classers
  - State Board of Library Examiners
  - Board to Select Commissioner of Markets and Warehouses<sup>20</sup>
  - Board to Review Regulations Relating to Ginning
  - East Texas Hospital for the Insane
  - Northwest Texas Insane Asylum
  - East Texas State Teachers' College
  - Sul Ross State Teachers' College
  - South Texas State Teachers' College
  - Stephen F. Austin State Teachers' College
  - John Tarleton Agricultural College
  - North Texas Junior Agricultural College
- 1919 State Superintendent of Weights and Measures<sup>20</sup>
  - State Board of Control
  - Board of Examiners of Land Surveyors
  - State Board for Vocational Education
  - Home for Dependent and Neglected Children
- 1920 Industrial Commission
- 1921 Penitentiary Supervisory Board
  - Texas State Board of Examiners in Optometry
  - Board of Managers of Texas State Railroad
  - American Legion Memorial Sanatorium
- 1923 Board of Directors of Texas Technological College
  - State Board of Examiners in Chiropody
  - State Board of Plant Breeder Examiners
  - Texas Historical Board
  - State Parks Board
  - Washington State Park Commission
  - Texas Rate Making Board<sup>21</sup>

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<sup>20</sup>Consolidated with Department of Agriculture by H. B. no. 2, 39th Leg., reg. sess. (1925).

<sup>21</sup>The 39th Leg., 1925, created the following agencies and institutions: Board of Managers for State's Iron Industries; Dallas State Psychopathic Hospital; and Galveston State Psychopathic Hospital.

## CHAPTER III

### AN APPRAISAL OF THE ADMINISTRATIVE SYSTEM

The most serious defect of State administration in Texas lies in the weakness of the powers of the Governor as head of the State administration. The Governor is popularly supposed to be responsible for the conduct of the administration, but his supervision over the executive agencies is so limited that he cannot reasonably be held responsible for the acts of State officials. His appointive power is restricted by the practice of popular election of the heads of several important departments, and by the requirement of confirmation by the Senate; his removal power is limited by the Constitution and statutes; his control over the acts of administrative subordinates is too qualified to be effective; and he has practically no positive power in making the budget or in exercising financial control over the administration.

Limitations on the appointing power, cumbersome methods of removal, ineffective powers of supervision, an unscientific budget system, inadequate machinery of financial control,—all hamper effective control over the administration by the chief executive. Other defects of the Texas administrative system are: unsatisfactory reporting system, duplication and overlapping of work, no merit system, the long ballot, short terms, and low standards of compensation.

#### LIMITATIONS ON THE APPOINTING POWER

Heads of seven State departments are made elective, five by the Constitution and two by statute. The vesting of the selection of these officials in the electorate seriously restricts the appointing power of the Governor.

Outside of these elective State officials, others secure their position through appointment by the Governor. The statutes require many appointments to be made by and with the advice and consent of the Senate; in some cases

appointments are to be made by the Governor alone. Under the Constitution appointments made by the Governor to fill vacancies in State offices must be confirmed by the Senate.<sup>1</sup>

As a matter of custom practically all appointments of the Governor are sent to the Senate for confirmation. On February 19, 1917, the Attorney-General ruled, in reply to a communication from the Governor, that the reappointment of the same person to a second term was an appointment to fill a vacancy and therefore had to be submitted to the Senate for confirmation.<sup>2</sup> This would seem to require the submission of all appointments to the Senate, as technically, all appointments are made to fill vacancies.

The Governor alone should be responsible for the appointment of the principal officers of the State Government. A leading authority on State Government has declared that

it would be wise . . . to vest complete power to appoint the heads of departments in the Governor, without the advice and consent of the Senate. The responsibility for administration is thus more definitely vested in the Governor; and should an occasion present itself when the State Senate is out of political harmony with the Governor, no confusion results from an impossibility of making the appointments, which the Governor thinks should be made for the conduct of the work of the Government, for which he, the Governor, is responsible.<sup>3</sup>

#### CUMBERSOME METHODS OF REMOVAL

Removal of executive officers by impeachment, by the Governor on address of two-thirds of the Legislature, by *quo warranto* proceedings, and by the Governor alone are the four methods of removal provided by the Constitution and statutes. The elective constitutional officers are removable by impeachment, and the Legislature is given authority to establish the procedure of removal for all State offices where the method of removal has not been provided in the Constitution.<sup>4</sup>

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<sup>1</sup>*Constitution*, art. 4, sec. 12.

<sup>2</sup>*Biennial Report of the Attorney-General*, 1916-1918, p. 392.

<sup>3</sup>W. F. Dodd, *State Government* (The Century Co., 1922), p. 265.

<sup>4</sup>*Constitution*, art. 15, sec. 7.

By statute several officials have been added to the list of those removable by impeachment—Secretary of State, Commissioner of Agriculture, Commissioner of Insurance and Banking, and “all other State officers and heads of State departments or institutions of any kind, and all members, regents, trustees, commissioners having the control of the management of any State institution or enterprise. . . .”<sup>5</sup>

On address of two-thirds of each house of the Legislature the Governor shall remove the Commissioner of Agriculture and the Commissioner of Insurance and Banking for “wilful neglect of duty, incompetency, habitual drunkenness, oppression in office, breach of trust, or other reasonable cause which shall not be sufficient ground for impeachment.”<sup>6</sup>

Another section of the statutes provides for the trial and removal of any public officer by *quo warranto* proceedings in the following instances:

In case any person shall usurp, intrude into or unlawfully hold or execute or is now intruded into, or now unlawfully holds or executes any office, or franchise . . . or any public officer shall have done or suffered any act which by the provisions of law works a forfeiture of his office . . . .<sup>7</sup>

The Governor’s power to remove State officials is given in the following section of the statutes: “All State officers appointed by the Governor or elected by the Legislature, where the mode of their removal is not otherwise provided by law, may be removed by him for good and sufficient cause, to be spread on the records of his office and to be reported by him to the next session of the Legislature thereafter.”<sup>8</sup>

It is very doubtful whether the Governor, under the authority of this statute, has any independent power of removal of State officials. Two recent cases may be cited.

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<sup>5</sup>*Complete Texas Statutes* (Vernon Law Book Co., 1920), art. 6017.

<sup>6</sup>*Ibid.*, art. 6018.

<sup>7</sup>*Ibid.*, art. 6398.

<sup>8</sup>*Ibid.*, art. 6027.

In September, 1917, the Senate requested Acting Governor Hobby to remove a Regent of the University for deception used to secure confirmation of his appointment. On September 15, 1917, the Attorney-General ruled that the Governor had no power to remove a University Regent from office under authority of Article 6027 of the statutes. Although the statutes provided no specific method of removal for such officials, the Attorney-General held that a Regent could only be removed from office for causes provided by the Legislature under *quo warranto* proceedings.

The Attorney-General expressed his doubt as to the validity of Article 6027, because the Constitution, Article 15, Section 7, requires the Legislature to provide by law "for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution." Any method of removal, therefore, which does not make provision for a trial does not comply with the Constitution.

As to what constitutes trial, before removal, the Attorney-General referred to the opinion of the Texas Supreme Court in the case of *Honey v. Graham*. In that decision the court said:

The right to hold and exercise the functions of an office to which the individual may have been duly elected may be regarded as property and privileges, and, therefore, the incumbent can only be deprived of his office in the manner pointed out in the above quoted section of the Constitution. [Art. 1, Sec. 19, on due process.]

To forfeit his right to an office, the incumbent must have done something sufficient in law to deprive him of the office; and the Constitution and laws secure to the person so accused the right of traverse—right of trial—and no power on earth can lawfully deprive him of these rights.

The power of the Governor to fill a vacancy, when one exists, is not disputed. The power to create a vacancy is denied by every authority, except where the office is filled by the Governor's choice of an incumbent without concurrence of the Senate or election by the people, and the term of office is

undefined by law. In such case the incumbent holds at the pleasure of the executive and may be at any time removed from the office.<sup>9</sup>

The second instance was in 1921 when the Governor sought to remove a Prison Commissioner. Acting under authority of a special article of the statutes providing for the removal of Prison Commissioners by the Governor for certain causes, the Governor demanded the resignation of the Commissioner, which was twice refused. Resort was made to the Legislature, which passed an act supplementing existing methods of removal of Prison Commissioners by providing for trial in a district court on suit brought by the Attorney-General on the relation of the Governor. After a trial and appeal to the Supreme Court, the Commissioner was removed.<sup>10</sup>

From this review of the methods of removal of public officials in Texas it will be seen that the Governor's power of removal is practically in no case capable of independent exercise. The power of appointment does not imply the right to remove. Hence the power of removal is not an effective instrument of administrative control.

#### INEFFECTIVE SUPERVISION OVER THE ADMINISTRATION

The Legislature controls the organization and functions of most of the offices of the administration and has added to the duties of constitutional officials. Yet legislative supervision of the administration is ineffectual, because the Legislature is only in session a few months every two years, and occasional investigations of the administration by legislative committees have not furnished a continuous, effective control.

Supervision by the Governor is the only other source of control over the administration. The Constitution

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<sup>9</sup>Report, *op. cit.*, pp. 444-448. For early decisions on the removal power, cf. *Keenan v. Perry*, 24 Tex., 253 (1859) and *Honey v. Graham*, 39 Tex., 1 (1873).

<sup>10</sup>*Southwestern Political Science Quarterly*, Vol. II (December, 1921), pp. 270-271.

makes it the duty of the Governor to cause the laws to be faithfully executed,<sup>11</sup> yet nowhere does it give him power to enforce this duty, nor has such power been conferred by statute. Control of the administration is supposed to be exercised by the Governor through his powers of appointment and removal, but, as has been seen, these powers are only nominal. The very number of administrative agencies renders real supervision impossible. Over the elective heads of departments the Governor has little control; they are independent of him and of each other.

While the Governor receives regularly many reports from administrative departments and can require special reports at any time, and while many administrative details require his approval, these instruments of control, due to the absence of sifting by intermediate officials, burden the Governor with a mass of unnecessary details, and take his time from more important questions of state policy.<sup>12</sup>

#### UNSCIENTIFIC BUDGET SYSTEM

The Governor is not the budget making authority in Texas, although the Constitution would seem to make him such. Article IV, Section 9, states: "And at the commencement of each regular session he [the Governor] shall present estimates of the amount of money required to be raised by taxation for all purposes." But no Governor has, under this provision, attempted to present a budget to the Legislature.

Before 1921, Texas had the "legislative budget" system. In 1919 an act was passed making it the duty of the Board of Control, through its division of estimates and appropriations, to collect the budget estimates and submit a printed budget to each regular session of the Legislature.<sup>13</sup>

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<sup>11</sup>*Constitution*, art. 4, sec. 10.

<sup>12</sup>*Cf.* article by Governor Alfred E. Smith of New York on "How We Ruin Our Governors," in *National Municipal Review*, Vol. X (May, 1921), pp. 277-280.

<sup>13</sup>*Laws*, 36th Leg., reg. sess. (1919), p. 327.

The appropriations made by the Thirty-eighth Legislature exceeded the available revenues by several million dollars. Estimates of the deficit in the Treasury at the end of the fiscal year 1923-1924 range from \$4,000,000 to \$5,000,000. This situation evidences serious defects in our budget and appropriation system.

There are three major objections to the Texas budget system. These relate to: (1) The character of the budget making authority; (2) special appropriations and "log-rolling;" and (3) lack of responsibility.

1. The Governor is the head of the administration and is held responsible for its extravagances, yet his influence in the making of the budget is negative—he has only the veto power of individual items in appropriation bills. The estimates are not collected under his supervision; he does not review them before they go to the Legislature; in a word, he is not the responsible budget making authority.

Twenty-eight States make the Governor the budget making authority.<sup>14</sup> The budget is prepared under his supervision and sent to the Legislature with his recommendations. These States believe that the responsibility and accountability to the people and their representatives for financial planning should be vested in the elected head of the State administration, the Governor.

2. Not since 1907 have the appropriation bills been passed at the regular session of the Legislature.<sup>14a</sup> They have been delayed for a special session or sessions, while special appropriations have been passed in the regular sessions. In recent years such special appropriations have been increasing. In 1921, over \$12,000,000 of special appropriations were passed at the regular session, and the Governor was compelled to veto items amounting to over \$5,000,000.<sup>15</sup> In 1923, special appropriations amounting to

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<sup>14</sup>A. E. Buck, "Progress in State Budget Making," in *National Municipal Review*, Vol. XIII (January, 1924), pp. 19-25.

<sup>14a</sup>The 39th Leg. (1925) passed all of the major appropriation bills at the regular session.

<sup>15</sup>*Southwestern Political Science Quarterly*, Vol. II (Sept., 1921), p. 191.



almost \$7,000,000 were passed at the regular session. This practice causes confusion, disrupts the budget plan, causes reductions in the regular appropriations and often produces a deficit. No special appropriations should be made until the regular bills have been passed, unless such special measures contain provisions to raise the required revenue.

"Log-rolling" or the "pork barrel system" is responsible for much waste of State funds every two years. Governor Hobby condemned this system in his message to the Thirty-sixth Legislature:

Under our present system each member of the Legislature has unlimited power to appropriate the public funds if he can persuade a sufficient number of his fellow members to support his bills. As a great many members are anxious to establish public institutions or branches of the State's service in their districts, the temptation is always present to "swap work" by supporting each others' bills. Experience everywhere shows that in a very large number of cases members yield to the temptation, and in their eagerness to serve their individual localities, forget the paramount interest of the State as a whole.<sup>16</sup>

As a result of special appropriations and "log-rolling" the Legislature works in the dark. The result is confusion and a condition where no committee of either house or member can know how much is being appropriated by the various bills in the process of enactment.

Uncertainty often exists as to the amount of revenue the State will receive under existing and proposed tax laws. The Comptroller, Tax Commissioner, Board of Control, as well as many individual members, all have their estimates, which vary widely in many cases. Under these conditions the Legislature appropriates blindly and in most cases beyond the constitutional limit. Speaking of this situation, in 1919, Governor Hobby said: "No private business in the world would succeed under such a blind, haphazard system of finance."

3. Responsibility for this confusion in financial procedure cannot be located under the present system. The

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<sup>16</sup>*House Journal*, 36th Leg., reg. sess. (1919), p. 93.

Governor cannot be held responsible, for he has little part in the budget making process. The responsibility of the Board of Control ends with the preparation of the budget and its submission to the Legislature. In the Legislature, the finance committees and their chairmen cannot be held accountable, so long as the system of individual and special appropriations continues. It is idle to try to locate responsibility in a body of 181 members.

The Governor should be the responsible budget officer. The budget law should provide that special appropriation bills should not be passed until the regular bills have been disposed of. To increase the recommendations of the Governor should require a special majority of votes. The Governor should have the right to address the Legislature, or committees, on the budget plan.

There are signs that the Legislature itself realizes that the system is bad. In a statement given to the press on May 16, 1923, at the close of the second called session, the chairman of the House farm bloc said:

We do most emphatically denounce the system under which our State Government is run and managed, and pray for the day to come when at least the business end of our State Government . . . be divorced from politics and put upon a business basis.

The Legislature . . . should manage it [the State] just as they would a private enterprise. We do not believe there is a fourth-class business man anywhere who would manage his business as the State's business is managed under the present "system" in the matter of appropriations.<sup>17</sup>

#### INADEQUATE MACHINERY OF FINANCIAL CONTROL

A complete audit of State departments and institutions made by the central investigating committees of 1917 revealed the fact that the accounting and bookkeeping systems of most of the departments were entirely inadequate. The Comptroller's Department was being conducted in an efficient and business-like manner, but the auditing duties of

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<sup>17</sup>*Dallas Morning News*, May 16, 1923.

that department were confined to examining and approving claims drawn against appropriation accounts.<sup>18</sup>

The central investigating committees recommended the installation of a uniform system of accounting for all State departments and institutions under the supervision of the Board of Control and establishment of a correct and comprehensive auditing system for an audit three times a year of the books and accounts of all departments and institutions. The Board's auditors should be available, upon request, to the Governor for the investigation of the financial records of any department or institution. The sum of \$100,000 was the estimated annual saving from a correct auditing and accounting system.<sup>19</sup>

Auditing duties were conferred upon the Board of Control when it was created in 1919;<sup>20</sup> but the Attorney-General has held that such powers could be exercised only with reference to those departments and institutions under its control.<sup>21</sup>

The Constitution requires all heads of State institutions and departments to keep an account of all funds received and disbursed from all sources, and to make a semi-annual report to the Governor. The Governor may require a written report from such officers "upon any subject relating to the duties, condition, management and expenses of their respective offices and institutions . . . and may also inspect their books, accounts, vouchers and public funds . . . ." <sup>22</sup> Only nominal control is conferred on the Governor by these provisions and they amount to little in practice.

#### DUPLICATION OF WORK AND OVERLAPPING OF FUNCTIONS

State administration in Texas has developed without systematic planning. The establishment of new fields of State

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<sup>18</sup>*Reports of Subcommittees*, p. 134.

<sup>19</sup>*Ibid.*, pp. 931-932.

<sup>20</sup>*Laws*, 36th Leg., reg. sess. (1919), p. 325.

<sup>21</sup>*Biennial Report of the Attorney-General*, 1918-1920, pp. 641-644.

<sup>22</sup>*Constitution*, art. 4, sec. 24.

activity has been paralleled by the creation of new agencies to administer them. Few surveys have been made to determine whether existing agencies could handle the new function. As a result of this policy administrative agencies have multiplied until they now number nearly one hundred. Instances of duplication and overlapping of functions are to be found in all principal lines of work. The general condition was concisely stated by Governor Neff in his message of July 26, 1921:

We have too many boards, bureaus and commissions. The State is burdened with governmental agencies. It is top heavy. We have too much machinery and consequently too much overhead expense. The Government should be simplified. There is no excuse for duplication and triplication of work.<sup>23</sup>

#### UNSATISFACTORY REPORTING SYSTEM

Accurate and prompt reporting is an essential element of responsible government. Neither the Governor, Legislature, nor the public receives prompt and definite information regarding the conduct of the State's affairs. Practically every department of the State Government issues a printed report, but reports are irregular, slow in publication and fail to furnish, in many instances, definite information on administration. Most reports are made to the Governor, for transmission by him to the Legislature, and they may be quarterly, annual, or biennial, for the fiscal year, the calendar year, or for the fiscal biennium. Reports of some important departments are not available in printed form—the Prison Commission has not issued a printed report since 1911.<sup>23a</sup> The only information available about this important State enterprise has come from periodic investigations by the Legislature.

The law requires public officers to deliver their reports to the Governor in time for them to be delivered to the printing contractor one month before the assembling of the

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<sup>23</sup>*House Journal*, 37th Leg., 1st and 2d called sess. (1921), p. 82.

<sup>23a</sup>A printed report was issued in 1924.

Legislature, and all reports so delivered shall be printed and sent to the Secretary of State not later than the first week of the legislation session.<sup>24</sup> This provision regarding the delivery of printed reports is disregarded in practice. Rarely are departmental reports ready for the regular session. Not infrequently reports are seven and eight months late.

The contents and methods of presentation of most reports make them practically useless to the average citizen or legislator. Only a few are indexed. Some are without a table of contents. Bound volumes of reports are not issued.

Separate reports are issued for each State agency. In 1917 the investigating committees found an accumulation of old departmental reports in the basement of the Capitol and recommended that the number of reports be reduced by statute at least one-third, and for some departments, at least one-half.<sup>25</sup>

### LONG BALLOT

Every two years the people of Texas are called upon to elect, in addition to local, district, national, legislative and judicial officers, nine officials of the State administration. The "long ballot" was inflicted on Texas by a constitutional amendment adopted in 1850. The first State Constitution of 1845 provided for the election only of a Governor and Lieutenant Governor; the other officers were appointive or elected by the Legislature.<sup>26</sup>

In 1850 the Attorney-General, Comptroller, Treasurer, and Commissioner of the General Land Office were made elective by the people,<sup>27</sup> and have been elective since that time, with the exception of the Attorney-General under the

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<sup>24</sup>*Complete Texas Statutes*, art. 6370 ii.

<sup>25</sup>*Reports of Subcommittees*, p. 920.

<sup>26</sup>*Constitution*, 1845, art. 4, sec. 12; art. 5, sec. 2, 12, 16, and 23.

<sup>27</sup>John Sayles, *Constitution of the State of Texas*, 4th ed. (West Publishing Co., 1893), p. 222.

Constitution of 1869, who was appointed by the Governor and Senate.<sup>28</sup>

The office of Superintendent of Public Instruction was created by the Constitution of 1866, and was to be filled by appointment by the Governor and Senate;<sup>29</sup> in 1869 the Constitution provided that the office should be filled by election after the first term.<sup>30</sup> At present the office is statutory and filled by popular election.<sup>31</sup>

The Commissioner of Agriculture was made elective when that office was created by law in 1907.<sup>32</sup> Railroad Commissioners were made elective by constitutional amendment adopted in 1894.<sup>33</sup>

Constitutional provisions are, then, responsible for the "long ballot" in Texas. Seven of the nine elective officials are constitutional and two are statutory. The Constitution should be amended to make only the Governor elected by the people.

#### NO MERIT SYSTEM

Texas has no merit system in the civil service. Appointments and removals in the State offices are made according to the rules and practices of the "spoils system." Rotation in office is the accepted rule.

Demand for civil service reform has been made in several democratic platforms from 1882-1912. Governor Colquitt in 1913 and Governor Hobby in 1919, recommended the adoption of the merit system in messages to the Legislature. The central investigating committees of 1917 recommended the enactment of a civil service law to test the efficiency of employees and to protect them from dismissal for political reasons.

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<sup>28</sup>*Constitution*, 1869, art. 4, sec. 23.

<sup>29</sup>*Ibid.*, 1866, art. 10, sec. 10.

<sup>30</sup>*Ibid.*, 1869, art. 9, sec. 2.

<sup>31</sup>*Complete Texas Statutes*, art. 4509.

<sup>32</sup>*Ibid.*, art. 4435.

<sup>33</sup>*Constitution*, art. 16, sec. 30.

Proposals for a State civil service law have been made during each Legislature from 1911-1919, but no bill reached the voting stage.<sup>34</sup> The Legislature and the public have seemed indifferent to this much needed reform.

### SHORT TERMS

Popular election, short terms, and rotation in office are features of the constitutional administrative system of Texas. Seven constitutional officials are elective, and six have terms of two years. Rotation in office, while not required by the Constitution, is the general practice after two terms. The terms of all offices not fixed by the Constitution are limited to two years.<sup>35</sup>

Executive officers were limited to a two-year term under the Constitutions of 1845 and 1861 and were given a four-year term under the Constitutions of 1866 and 1869. Under all of the early Constitutions of Texas terms not fixed in the Constitution could extend to four years.<sup>36</sup>

An amendment to the Constitution adopted in 1894 gave Railroad Commissioners a six-year term. In 1912 amendments were adopted extending the term of members of the Board of Prison Commissioners to six years, and the Legislature was given authority to provide a six-year term, with biennial renewals, for the members of the Board of Regents or directors of the "educational, eleemosynary, and penal institutions of the State, and such boards as have been or may hereafter be established by law. . . ."<sup>37</sup> Under this provision of the Constitution the Legislature has given a six-year term to several boards and commissions, but the terms of single officials are still limited to two years.

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<sup>34</sup>B. F. Wright, Jr., *The Merit System in American States With Special Reference to Texas* (Univ. of Tex. Bull. No. 2305, 1923), pp. 96-104.

<sup>35</sup>*Constitution*, art. 4, secs. 4, 16, 22, 23; art. 16, sec. 30.

<sup>36</sup>Sayles, *op. cit.*, pp. 199, 201-206, 236, 238-242, 311, 314-318, 415-420, 208, 245, 320, 466.

<sup>37</sup>*Constitution*, art. 16, secs. 30, 30a, 58.

Short terms and biennial elections hamper effective administration. By the time an official has become thoroughly acquainted with his work he is compelled to enter a primary for renomination, and perhaps a second primary. While reelection for a second term is the rule, opposition for renomination is not infrequent.

Executive terms begin in January following nomination in July and election in November. The Governor is inaugurated on "the first Tuesday after the organization of the Legislature or as soon thereafter as practicable. . . ."<sup>35</sup> The terms of the other elective officials begin at this time, as well as most of the appointive positions.

This arrangement results in considerable confusion every four years with the assembling of a new Legislature and the inauguration of a new administration. The Governor is not in a position to get competent advice on administration and legislative needs, for transmission to the Legislature in performance of his constitutional duty.<sup>36</sup>

Since nomination in July practically amounts to election the Governor does not take office until six months after his election. The Constitution should be amended so as to allow official terms to begin the first week in December following the general election in November. The Governor and all administrative officials should have a four-year term.

#### LOW STANDARDS OF COMPENSATION

A survey of the last biennial appropriation acts shows that the compensation standards of the State are low. "There are few, if any, 'fat salaries' being paid by the State . . . . The State is notoriously cheap when it comes to paying for the work done in its behalf."<sup>40</sup>

Salaries of heads of departments are fixed by the Constitution or by statute. Salaries for subordinate positions are generally fixed by the appropriation committees.

<sup>35</sup>*Ibid.*, art. 4, sec. 4.

<sup>36</sup>*Ibid.*, art. 4, sec. 9.

<sup>40</sup>*Dallas Morning News*, June 7, 1923.



Constitutional salaries are entirely inadequate—Governor, \$4,000; Attorney-General, \$4,000; Secretary of State, \$2,000; Comptroller, Treasurer, and Commissioner of the General Land Office, \$2,500.<sup>41</sup> The Constitution of 1876 fixed the salary of the Governor at \$4,000 “and no more, and . . . the use and occupation of the Governor’s Mansion, fixtures and furniture.”<sup>42</sup> All efforts to amend the Constitution to raise the salaries of executive officials have failed.<sup>43</sup>

Under the Constitution of 1866, the Governor’s salary was \$4,000, until otherwise provided by law<sup>44</sup> and the Constitution of 1869 fixed it at \$5,000 until otherwise provided for by law, exclusive of the use and occupation of the Governor’s Mansion.<sup>45</sup> Several statutory officials receive higher salaries than the Governor—members of the Board of Control, Chairman of the Industrial Accident Board, Banking Commissioner, and Highway Engineer.<sup>46</sup> Illinois pays her Governor \$12,000; California, Massachusetts, New York, New Jersey, Ohio and Pennsylvania, \$10,000; Nebraska, \$7,500.<sup>47</sup>

Other constitutional officials also have inadequate salaries. In four departments, Comptroller, Treasurer, Secretary of State, and Land Commissioner, the chief clerk receives a higher salary, fixed by the appropriation committees, than the head of the department.<sup>48</sup>

Salaries fixed by statute are, on the whole, better, but many positions are underpaid—the State Librarian receives

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<sup>41</sup>*Constitution*, art. 4, secs. 21, 22, 23.

<sup>42</sup>*Ibid.*, art. 4, sec. 5.

<sup>43</sup>*Cf.* Irvin Stewart, “Constitutional Amendments in Texas,” in *Southwestern Political Science Quarterly*, Vol. III (Sept., 1922), pp. 145–158.

<sup>44</sup>*Constitution*, 1866, art. 5, sec. 5.

<sup>45</sup>*Ibid.*, 1869, art. 4, sec. 5.

<sup>46</sup>*Laws*, 38th Leg., 1st, 2d, and 3d called sess. (1923), pp. 235–282.

<sup>47</sup>E. Kimball, *State and Municipal Government in the United States* (Ginn & Co., 1922), p. 134.

<sup>48</sup>*Laws*, 38th Leg., 1st, 2d, and 3d called sess. (1923), pp. 235–282.

\$2,000, and Tax Commissioner, \$2,500. There are only three statutory heads of departments receiving salaries of \$5,000 or more.<sup>49</sup>

The same low standards and lack of uniformity prevail in the salaries for subordinate positions.

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<sup>49</sup>*Ibid.*, pp. 235-282.

## CHAPTER IV

### THE MOVEMENT FOR THE REORGANIZATION OF STATE ADMINISTRATION

Until 1907 no real survey of the State Government to determine whether its organization, business methods and procedure were economical and efficient had been made. In 1901, however, notice had been taken of the increasing cost of government in a resolution adopted by the Twenty-seventh Legislature:

The constantly increasing cost of government demands a rigid investigation of the method of expending the public money in the different institutions and departments to the end that the Legislature and the executive may be fully informed as to where expenditures may be curtailed and efficiency promoted . . . .<sup>1</sup>

A joint committee of two Senators and three Representatives was appointed to conduct the investigation of State departments and institutions. No constructive recommendations were made by the committee and the effect on the conduct of the State's business was slight.<sup>2</sup>

The Thirtieth Legislature, 1907, created a Board of State Accounting, consisting of the Governor, Secretary of State, and Chairman of the Railroad Commission.<sup>3</sup> Power was conferred on the Board to make an investigation and audit of the accounts and methods of bookkeeping and business procedure in the Comptrollers' Department, Treasury, General Land Office, Penitentiaries, and other departments, if advisable. Authority was given to employ a firm of accountants and the firm of Gunn, Richards & Co., of New York City, was engaged. On January 22, 1909, they made a report on their investigation of the departments of the Comptroller, Treasurer, and Commissioner of the General

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<sup>1</sup>*House Journal*, 27th Leg., 2d called sess. (1901), p. 31.

<sup>2</sup>*Report of State Investigating Committee*, 1902, p. 3.

<sup>3</sup>*Laws*, 1907, pp. 52-54.

Land Office. Short sections of the report were devoted to school funds, location of offices, appropriations, uniform accounting, filing, reports, stationery and printing, and State institutions and purchases.<sup>4</sup>

"As a result of their recommendations, the Treasury Department was reorganized and changes made in the General Land Office in 1909, and the Comptroller's Department was reorganized in 1910."<sup>5</sup>

Beginning with 1917, at every session of the Legislature administrative reorganization has had the attention of both the executive and the legislative branches of the Government. The movement for administrative reorganization since 1917 will be discussed in some detail.

#### CENTRAL INVESTIGATING COMMITTEES OF THE THIRTY-FIFTH LEGISLATURE

At the third called session of the Thirty-fifth Legislature, September, 1917, it was pointed out by the authors of a simple resolution in the House that there would be little likelihood of general legislation during the session on account of the impeachment trial in the Senate, and that

There has arisen and now exists a public suspicion, indeed in some instances solemn charges have been made, that in certain departments and institutions of this State there are irregularities, unlawful practices, and violations of those fundamental principles which must be preserved as the foundation of our government and remain the basis of the public policies of this State . . . .<sup>6</sup>

Subsequently a resolution was adopted creating a central executive committee of the House, composed of ten members appointed by the Speaker, this committee to be divided into ten subcommittees with one member of the central

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<sup>4</sup>*Report on Audit, Organization, and Methods*, 1909.

<sup>5</sup>E. T. Miller, *A Financial History of Texas* (Univ. of Tex. Bull., 1916), p. 382.

<sup>6</sup>*Reports of Subcommittees of the Central Investigating Committees of the House and Senate, Third Called Session of the Thirty-Fifth Legislature of Texas*, 1918, vii.

executive committee as chairman and one other member of the House appointed by the Speaker. Broad powers of investigation were given to the committee with regard to all of the offices and employees, departments, institutions and enterprises of the State Government, and among the purposes specified in the general grant of powers to the committee was to see "whether or not there should be consolidation, elimination of departments, commissions, boards, boards of regents and trustees."<sup>7</sup>

At the same special session of the Legislature, a Senate committee of investigation was created, composed of ten Senators to be appointed by the presiding officer. Ten subcommittees were organized, each of which coöperated with the corresponding House committee. The Senate committee was given authority to ascertain

what officers, commissions, and departments and institutions may be abolished or combined with other positions in order to reduce the number of employees in departments and institutions, and what, if any, changes are necessary in the methods of bookkeeping and keeping the records in order to simplify the same and thereby reduce the expense of keeping same; to recommend such change as it deems best, in the methods used by any department or office; and in its report said committee shall specifically point out and specify such offices and positions, as in its judgment, may be abolished or combined, and such changes as it deems necessary and advisable and in its said report shall state what the expense of the present method is and the estimated expense of the methods proposed, showing in what manner the saving is made and the amount that will be saved to the State if said proposed change is adopted, and shall recommend such laws and changes in existing laws, as it deems necessary to put into effect such changes as are set out in said report.<sup>8</sup>

Organization of the committees was completed on November 1, 1917. All departments, offices, and institutions of the State were divided among the ten subcommittees and the work of investigation was prosecuted with diligence for over sixty days. Reports of all subcommittees were reviewed by the central committees, and the House and Senate

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<sup>7</sup>*Ibid.*, xi.

<sup>8</sup>*Ibid.*, xiii.

committees completed their work on February 1, 1918. The joint report of the central investigating committees was printed in the Journal of the fourth called session of the Thirty-fifth Legislature on March 11, 1918.<sup>9</sup>

This session authorized the printing of the reports of the subcommittees and they were printed in a separate volume of 950 pages.<sup>10</sup>

The investigation included every administrative department of the State Government, the educational and eleemosynary institutions, the prison system, and the Legislature and Judiciary. Many specific recommendations regarding the work of the different departments and institutions were made, but for the purposes of this study, only the recommendations regarding the abolition or consolidation of administrative departments, and general improvements in methods of administration will be considered.

*Recommendations for administrative consolidations.*—First among the recommendations for consolidation was that for the abolition of the offices of State Purchasing Agent, State Expert Printer, and Printing Board, State Inspector of Masonry, Superintendent of Public Buildings and Grounds, and the governing boards of the eleemosynary institutions, and for the creation of a single board of three members to be called the "Purchasing and Managing Board" to be appointed by the Governor, with the consent of the Senate, for six years, to perform all the duties of the offices abolished. This board, in addition, should prepare the biennial budget for the State departments and institutions and install uniform methods of accounting and auditing for the institutions and departments under its control. Next, it was recommended that all agricultural agencies should be consolidated with the Department of Agriculture. These agencies were: Board of Water Engineers, Reclamation Engineer, Live Stock Sanitary Commission, State Veterinarian, Warehouse and Marketing Department, and

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<sup>9</sup>"Joint Report of the Central Investigating Committee," in *House Journal*, 35th Leg., 4th called sess. (1918), pp.228-258.

<sup>10</sup>*Supra*, p. 32.

State Entomologist. It was also recommended that agricultural work that is educational in nature should be performed by the Agricultural and Mechanical College, and that work that is administrative in nature should be performed by the Department of Agriculture. On this basis, the lecture work, home economics work, and farm demonstration work of the Department of Agriculture should be transferred to the Agricultural and Mechanical College and the administration of the laws relating to pure food control, fertilizer, inspection, fowl brood control and inspection of apiaries should be transferred to the Department of Agriculture.

Other recommendations for consolidation of departments were: (1) offices of Pension Commissioner, Revenue Agent, and Tax Commissioner, should be consolidated with the Comptroller's Department; (2) Industrial Accident Board, Mining Board and Inspector of Mines with the Labor Department, the Industrial Accident Board to consist of the Labor Commissioner, the Insurance Commissioner and the Attorney-General; (3) Pure Food Department and Pasteur Institute with the Health Department; (4) Highway Department should be placed under a single commissioner elected by the Railroad Commission; (5) Fire Insurance Commission with the Department of Insurance and Banking; (6) Assistant Attorney-General in Court of Criminal Appeals with the Attorney-General's Department; (7) abolition of Intangible Tax Board and division of its work between the Comptroller and Railroad Commission; (8) creation of a board of examiners of land surveyors with the Commissioner of the General Land Office as a member; (9) abolition of the Governing Board for Agricultural Experimental substations and placing the substations under the control of the Board of Directors of the Agricultural and Mechanical College; and (10) management of Prison System should be placed under a general manager, selected by the Commission and the Governor—Prison Commission should be supervisory and not executive commission.

*Recommendations regarding business methods of State.*—In their investigation of the business methods and practices of the different departments, particularly in the handling of State funds, as disclosed by its audits, the committee found a lack of uniformity and some irregularities in bookkeeping and accounting. In some cases restoration of State funds, improperly expended, was demanded, in others, discontinuance of certain practices. Specific legislation was recommended to effect a number of improvements in business methods and practices. In a few cases officials were censured, and some were recommended for removal or impeachment.

The principal recommendations for improvement in methods of administration were that:

A uniform system of bookkeeping and accounting be installed in the State departments;

Frequent inspection and audits be made by State auditors;

Appropriation bills be itemized so that funds appropriated for one purpose cannot be used for another;

The employment of an attorney by any department without the consent of the Attorney General be prohibited;

The Governor be prohibited from authorizing the issuance of deficiency warrants for State institutions and departments in excess of the legislative appropriation, or that such deficiencies should be limited to not more than 10% of the amount in the appropriation bill for that purpose;

All departments collecting money for the State should be required by law to clear their collections through the State Treasury;

All claims against the State should be properly verified, audited and approved before being passed or vouchered for payment;

A system of accounting be adopted to prevent abuse of appropriations made for traveling expenses;

A central stamp division be established to purchase stamps and stamp all mail from the Capitol and Land Office Building;



All State officers collecting State money should be required to deposit funds in the State Treasury or depository daily or at specified intervals;

Money contained in special funds should be turned into the general revenue fund and future accruals to such funds should be deposited in the general revenue and an account kept, and payments for such purposes should be paid out of the general revenue;

The Superintendent of Buildings and Grounds should be required to make an inventory of all personal property belonging to the State and keep a record of same in his office;

The number of copies of departmental reports be reduced by at least one-third to one-half;

Institution storekeepers be furnished by the Purchasing Agent with samples of supplies purchased under contract; and

Chemical analysis should be made of food supplies.

*General recommendations.*—In addition to the recommendations for administrative reorganization and consolidation and improvements in methods of administration to be effected by uniform accounting and auditing, centralized purchasing and printing and budget making, several subcommittees indicated in their reports that they favored: (1) a constitutional convention to make many changes not possible through legislation; and (2) a civil service law “to test the efficiency of employes in the different departments and retain their services without exposing them to the danger of being dismissed for political reasons. . . .”

*Economies to be effected.*—Savings, immediate and annual, were predicted by the committees, if their recommendations were adopted. Total immediate savings of \$871,-923.25 were possible through

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| Funds discovered through audit.....  | \$ 11,923.95 |
| Transfer of quarantine to Federal Government.....                                    | 210,000.00   |
| Repeal of appropriations for new normal schools<br>and junior A. and M. College..... | 650,000.00   |

Annual savings were estimated as follows:

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|--|----------------------------|
| Through operation of Board of Control in centralized purchasing, printing, auditing, budget making and control of eleemosynary institutions..... | \$250,000.00               |
| Through operation of new depository law.....   | 150,000.00                 |
| Through departmental consolidation, reorganizations, and reform of business methods.....   | 599,694.00                 |
| Total estimated annual saving.....   | \$999,694.00 <sup>11</sup> |

#### REORGANIZATION IN THE THIRTY-FIFTH AND THIRTY-SIXTH LEGISLATURES

*Action by the fourth called session, Thirty-fifth Legislature.*—On March 11, 1918, Governor Hobby submitted to the fourth called session of the Thirty-fifth Legislature portions of the report of the central investigating committees relating to the following departments: Legislature, Governor, Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Land Office, Attorney-General, Assistant Attorney-General, judiciary, trial courts, eleemosynary institutions, and State Purchasing Agent.<sup>12</sup>

Only two measures of consolidation were passed at this session—the offices of Commissioner of Pensions and State Revenue Agent were abolished and their duties transferred to the Comptroller.<sup>13</sup>

*Indorsement of the Democratic State Convention, 1918.*—The State Democratic Convention at Waco in August, 1918, indorsed the recommendations of the central investigating committees, as follows:

*Resolved* by the Democratic Party in State Convention assembled, That we most earnestly request the Thirty-sixth Legislature to enact into law the recommendations of said investigating committee of the Thirty-fifth Legislature, to the end that all unnecessary boards and commissions be abolished, and such combinations be effected as contained in the committee's report.<sup>14</sup>

<sup>11</sup>Joint Report, *op. cit.*, pp. 255–257.

<sup>12</sup>*Senate Journal*, 35th Leg., 4th called sess. (1918), pp. 151–152.

<sup>13</sup>*Laws*, 35th Leg., 4th called sess. (1918), pp. 190, 197.

<sup>14</sup>*Reports, op. cit.*, xxii.

*Governor Hobby's recommendations to Thirty-sixth Legislature.*—In his biennial message to the regular session of the Thirty-sixth Legislature, Governor Hobby recommended the report of the investigating committees and urged “the Legislature to make a careful inquiry into the departments of the State Government and the functions they are performing, to the end that your body may abolish those offices and departments which are useless and unnecessary and which burden the tax payers of the State.”

A warning was sounded by the chief executive regarding the transfer of one department to another:

To transfer one department from another does not necessarily mean economy. In fact, it is frequently camouflage to use such a method of abolishing an office. Where the transfer of the duties of one department to another would better the service, that method is commendable, but when it is found feasible to abolish an office, it should be abolished without substituting for it that which will so constitute an expense.<sup>15</sup>

Two other governmental reforms found favor with the Governor—the budget system and the merit system. Contrasting the budget system with the “pork barrel system” found in the National Congress and in Texas as well, the Governor said:

One of the greatest needs of our State government in my judgment, is the introduction of a more business-like method of making appropriations.

Perhaps the worst feature of the pork barrel method of appropriations is that the legislators are working in the dark. There is no committee of either house, or any member of either house, who knows, or who can know, how much is being appropriated by the various bills in the process of enactment, or who know, or can know, the amount of revenue that the State will receive under the existing and proposed tax laws. No private business in the world would succeed under such a blind, haphazard system of finance.

Recommending the adoption of the merit system in all State departments and institutions, the Governor said:

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<sup>15</sup>*House Journal*, 36th Leg., reg. sess. (1919), pp. 96–97.

The constant removal in the clerical forces of the departments of those who have acquired knowledge of the State's business to make room for others results in keeping the State's service in the hands of beginners. Under this system the ship of State is forever manned by raw recruits.<sup>16</sup>

*Board of Control act.*—At the regular session of the Thirty-sixth Legislature, 1919, one important consolidation act was passed—a Board of Control composed of three members appointed by the Governor and the Senate was created.<sup>17</sup> Members were appointed for six years, one member being appointed every two years and they were to receive salaries of \$5,000 per year. To this Board was transferred the duties relating to the various departments, boards, institutions, and public offices abolished, and such additional duties as were required by the act. The act abolished the following agencies: State Purchasing Agent, Board to Advise with Purchasing Agent, State Expert Printer, Printing Board, State Inspector of Masonry, Public Buildings and Works, Superintendent of Public Buildings and Grounds, and the boards of managers of seventeen eleemosynary institutions named in the act.

To perform these duties the Board could create six divisions of its work: Public Printing; Purchasing; Auditing; Design, Construction and Maintenance; Estimates and Appropriations; and Eleemosynary Institutions. It was authorized to employ a competent, experienced chief as head of each division.

The Board was required, through its Division of Estimates and Appropriations, to prepare the biennial State budget.

*Democratic platform, 1920.*—Administrative reorganization was again endorsed by the Democratic Party in its platform of 1920:

We believe the State Government should maintain such departments and divisions as may be essential to answer in an efficient manner requirements of the public service, but do not favor the creation of departments where the service may be

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<sup>16</sup>*Ibid.*, pp. 93-95.

<sup>17</sup>*Laws*, 36th Leg., reg. sess. (1919), pp. 323-329.

performed by existing agencies. We urge upon the Democratic Legislature the great importance of exercising the most rigid surveillance of the public service, to the end that unnecessary duplication in the service may be avoided and that departments or agencies may be combined where practicable.<sup>18</sup>

#### REORGANIZATION IN THE THIRTY-SEVENTH LEGISLATURE

Governor Pat M. Neff came into office in January, 1921, with the announced intention of carrying out the mandates of the party platform. One of his first official acts was to abolish the Board of Pardon Advisers, by calling for the resignations of its two members.

On January 27, 1921, in a special message to the Senate and House of Representatives the Governor said:

The State has grown, in its governmental affairs, top-heavy. It is burdened with overhead expenses. We have too much machinery. The State needs less legislation and more coöperation. There should not be even one office for political purposes in all Texas. Politics and business should be divorced. At the earliest hour possible there should be abolished every board, and bureau, every office and commission, except just enough to administer the government in a simple, economical manner. This is the only way to take up the slack and give to the people a maximum service at a minimum cost.<sup>19</sup>

The Governor then recommended a number of consolidations: (1) Division of agricultural functions so as to transfer to the Agricultural and Mechanical College and to the College of Industrial Arts those functions which are educational in nature and to the Department of Agriculture those functions which are administrative in nature; (2) transfer of Warehouse and Marketing Department to the Department of Agriculture; (3) consolidation of the Pure Food and Drug Department with the State Health Department; (4) transfer of duties of Intangible Tax Board and Tax Commissioner to the Comptroller and Railroad Commission; (5) abolition of Industrial Welfare Commission and the delegation of its functions to the State Department

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<sup>18</sup>*House Journal*, 37th Leg., reg. sess. (1921), p. 160

<sup>19</sup>*Ibid.*, pp. 259-262.

of Labor; (6) abolition of the Governing Board for Agricultural Experimental Sub-Stations and transfer of its duties to the Board of Directors of the Agricultural and Mechanical College; and (7) transfer of the duties of the Mining Board and Inspector of Mines to the Department of Labor.

Such a program of consolidation would save at least \$100,000 a year and "set a higher standard of efficiency in the affairs of State."

On February 7, 1921, the Governor recommended the enactment of a law which would bring all departments of the State Government under the control of the Legislature for budget making purposes, and take from every department the power to use State funds or fees in fixing the salaries and determining the number of departmental employees.

"It is not a wise policy to permit any officer of any department of the Government to collect fees and to appropriate such fees as he pleases, to the running expenses of his particular department. All public funds should not only be turned into the State Treasury, but should be paid out by direct and specific legislation." Such a policy of direct and specific legislation would curb extravagance, equalize salaries for like service, minimize the possibility of leaks and improve the efficiency of the Government.<sup>20</sup>

In a message to the special session on July 27, 1921, Governor Neff said:

All duplications, each overlapping department, and every useless office in connection with the State Government should be abolished. We have too many boards, bureaus, and commissions. The State is burdened with governmental agencies. It is top-heavy. We have too much machinery and consequently too much overhead expense. The government should be simplified. There is no excuse for duplication and triplication of work.

If the people are to be given an effective government, if they are to be relieved from mounting taxes, we, their representatives, can make no better start than to begin by over-

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<sup>20</sup>*House Journal*, 37th Leg., reg. sess. (1921), pp. 406-407.

hauling the administrative agencies of the State, wiping out some, consolidating others, reducing to a minimum the lengthy list of State employes . . . .

The principle of concentration and correlation should be applied to our State Government as it is applied to the business world.<sup>21</sup>

The Governor then renewed the recommendations for administrative consolidations made to the Legislature at the regular session.

The Governor said it was his opinion that there were too many State employees. He recommended the weeding out of very employee except just enough to operate the State Government with the same efficiency and economy as private business.

Referring to the "army of expensive traveling representatives" and to the traveling appropriation of approximately one million dollars made by the last Legislature, the Governor said: "Perhaps the most reckless waste today of the people's money goes to the superfluous perambulating agents of the State. The Government seems to have been put on wheels." He recommended laws to check this increasing expenditure.

Itemized and specific appropriations, in accordance with the constitutional provision, was the final recommendation of the Governor for economy in the administration.

Two acts of consolidation were passed at the regular session of the Thirty-seventh Legislature—the Industrial Welfare Commission was abolished and the Dairy and Food Department was abolished and its duties transferred to the State Health Officer.<sup>22</sup> An act was passed authorizing the Legislature to make appropriations for the Highway Department, and to fix the salary of the State Highway Engineer, and to determine the number and salaries of all other employees. The State Board of Control was authorized to make contracts for highway equipment and supplies.<sup>23</sup>

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<sup>20</sup>*Ibid.*, pp. 406–407.

<sup>21</sup>*Ibid.*, 1st and 2d called sess. (1921), pp. 82–84.

<sup>22</sup>*Laws*, 37th Leg., reg. sess. (1921), pp. 14, 225.

<sup>23</sup>*Ibid.*, p. 102.

The first called session abolished the Governing Board for Agricultural Experimental Sub-Stations and conferred the duties upon the Board of Directors of the Agricultural and Mechanical College.<sup>24</sup>

#### REORGANIZATION IN THE THIRTY-EIGHTH LEGISLATURE

Governor Neff made no recommendations for administrative consolidation to the Thirty-eighth Legislature, 1923. Nevertheless a number of bills were introduced to abolish and consolidate departments. None of these proposals was adopted. One act was passed carrying into effect a recommendation of the central investigating committees of 1917—all special funds in the State Treasury were abolished and the moneys in such special funds transferred to the general revenue fund.<sup>25</sup> Several changes were made in the administrative organization, principally by the creation of ten new State boards and commissions.<sup>26</sup>

The first attempt to provide for an efficiency survey of the State administration was made in a bill by Representatives Hendricks and Mathes.<sup>27</sup> This bill proposed the creation of a committee on economy to be composed of three Senators, appointed by the President of the Senate, and three Representatives, appointed by the Speaker of the House, such committee to have power to "direct an inquiry into the organization, structure, and the manner and method of administration of the various executive agencies

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<sup>24</sup>*Laws*, 37th Leg., 1st and 2d called sess. (1921), p. 148.

<sup>25</sup>*Laws*, 38th Leg., 1st, 2d, and 3d called sess. (1923), pp. 61-62.

<sup>26</sup>Seven are permanent agencies: Board of Directors of Texas Technological College, Board of Examiners in Chiropody, Board of Plant Breeder Examiners, Historical Board, Parks Board, Washington State Park Commission, and Rate-Making Board. Temporary commissions include the Educational Survey Commission to supervise a survey of the entire educational system, for which an appropriation of \$50,000 was made; an Eleemosynary Commission to survey the eleemosynary institutions, and a Codification Commission to codify the State statutes.

<sup>27</sup>House Bill No. 146, 38th Leg., May 4, 1923.



of the State Government." The purpose of the investigation should be: (1) The formulation of constructive recommendations for the improvement of the State administration through the elimination of overlapping functions and through consolidation and coördination of executive departments; (2) improvement of working procedure of departments by application of principles of modern business administration; (3) improvement of financial, accounting, and auditing procedure, and strengthening of machinery of financial control; (4) compilation of data valuable in promoting efficiency and economy and in planning desirable reorganization of the State's affairs.

The committee was to be given an appropriation of \$25,000 for its work and could "employ a reputable firm of management engineers fully experienced in the organization and administrative methods of government bodies, to conduct its investigations and advise in the preparation of its reports."

#### SUMMARY

It will thus be seen that, while administrative reorganization in the interests of economy and efficiency has had the attention of the Legislature several times since 1900, it is only since 1917 that increasing cost of State administration has made it a major legislative problem. Two Governors, two Democratic Conventions, and four Legislatures have indorsed the principle of administrative reorganization. Practically all of the candidates for Governor in the recent Democratic primary announced in favor of its application to the State Government.

Yet the results accomplished thus far are slight. With the exception of the Board of Control act no major consolidations have been effected. One explanation of this situation is that no comprehensive plan of reorganization has yet been submitted. Several partial and piece-meal recommendations for consolidations have been made, but no complete study of the problem has been attempted. The proposal for an efficiency survey in the last session of the Thirty-eighth

Legislature came nearer to a beginning of a scientific solution of the problem than anything yet proposed. But this proposal never came to a vote. Such a survey is necessary before any complete plan of reorganization can be formulated.

In the next chapters two plans of reorganization will be presented—the first a complete plan, involving constitutional changes, and the second, a plan that can be put into effect by the Legislature, without amending the Constitution. Complete reorganization cannot be had without amending the Constitution; yet a major part of the proposed plan can be consummated without the necessity of amending the State Constitution.

Part II

PROPOSED REORGANIZATION OF STATE  
ADMINISTRATION



# CHAPTER I

## PRINCIPLES OF ADMINISTRATIVE REORGANIZATION

The plans for the reorganization of the Texas State administration which will be presented in the following chapters are based upon certain principles accepted by students of government and state efficiency and economy commissions of the last few years. Plans for administrative reorganization recently adopted in a number of states, particularly Illinois, Idaho, Nebraska, Ohio, Washington, Tennessee, and Pennsylvania, follow generally these principles. They are, therefore, no longer theories, but practical, working principles. These principles are three in number: integration, a scientific employment policy, and executive control of the administration through staff agencies.

The first of these practical principles of public administration is that of integration. By the process of integration is meant the knitting together of the different administrative units found on the same level of administrative organization. Willoughby defines an integrated administrative system as

that system where the attempt has been made to group all services whose operations fall in the same general field, and which consequently should maintain intimate working relations with each other, into departments presided over by officers having a general oversight of them all and entrusted with the duty of seeing that they work harmoniously towards the attainment of a common end. Under this system the line of authority runs from the several services to the department of which they are subordinate units and from these to the chief executive or to the Legislature whose jurisdiction extends over all the departments.<sup>1</sup>

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<sup>1</sup>W. F. Willoughby, *The Reorganization of the Administrative Branch of the National Government* (Johns Hopkins Press, 1923), p. 6.

The process of integration is applied to the State Government in four different ways: (1) by increasing the administrative functions of the chief executive; (2) by the unification and departmentalization of the scattered administrative units; (3) by the establishment of an effective system of financial control; and (4) by coördination of administrative activities through the cabinet system of administration.

The principal basis upon which administrative reorganization plans have been built is that of increasing the power of the Governor so that he may approach in State administration the position occupied by the President of the United States in the national administration. The President appoints and removes the principal heads of departments, is advised by them as a cabinet, and through his power of direction and supervision exerts a dominant influence in the national administration. The State Governor, with practically the same constitutional powers, has come, through judicial interpretation and practice, to have far less influence and power over the State administration. It is proposed to strengthen and extend the administrative powers of the Governor so as to make him the most powerful figure in the State administration. The principal powers thus given to the Governor are the power to appoint and remove the heads of the administrative departments, to recommend the budget to the Legislature, to direct and supervise the administration, and particularly to exercise the power of financial control. It is further proposed to lengthen the Governor's term, to increase his salary, to provide for his induction into office several weeks before the Legislature meets, to make him the only elective administrative official, and to give him a more strategic position of leadership with reference to the Legislature. The Governor will be assisted in his work of controlling and planning for the administration by a trained, technical staff, in addition to the regular departments. Checks upon a possible abuse of power by the Governor are provided by

the addition of popular recall and removal by the Legislature to the regular method of removal by impeachment.

Departmentalization of the administration is brought about by the consolidation of the numerous scattered and overlapping agencies into a few major departments, such as Finance, Health, Education, etc. The number of departments should not exceed fifteen, if possible. The basis of consolidation should be functional. Related offices and agencies brought under a department should be abolished and the work organized into appropriate bureaus and divisions, each in charge of a director selected under the merit system. As new functions are created they should be attached to departments already established.

With few exceptions each department should be headed by a single official appointed and removable by the Governor at will. Terms of the Governor and department heads should be for four years. No executive term should be longer than that of the Governor. Exception might be made in the case of boards, where an overlapping term might be provided. The Governor and department heads should take office at least a month before the meeting of the first Legislature. Heads of departments and subordinate employees should receive adequate compensation.

Boards or commissions should not be used for administrative work. They may be used for advisory or quasi-legislative, quasi-judicial, or investigatory work, and may be attached to departments in such cases. Ex-officio boards are not very effective and should be seldom used. Advisory boards have been created in several states that have adopted reorganized codes. The Illinois Civil Administrative Code provides for advisory non-executive boards in the Departments of Agriculture, Labor, Public Works, Public Welfare, Public Health, and Registration and Education. Members of such boards are appointed by the Governor, with the consent of the Senate, and each board has the following powers and duties with reference to its department or field of work:

1. To consider and study the entire field; to advise the executive officers of the department upon their request; to recommend on its own initiative, policies and practices, which recommendations the executive officers of the department shall duly consider, and to give advice or make recommendations to the Governor and the General Assembly when so requested, or on its own initiative;
2. To investigate the conduct of the work of the department with which it may be associated, and for this purpose to have access, at any time, to all books, papers, documents, and records pertaining or belonging thereto, and to require written or oral information from any officer or employee thereof.<sup>2</sup>

A more serious problem is the proper organization for quasi-judicial and quasi-legislative work involved in the administration of civil service, public utilities, taxation, and labor. In most states it has been customary to have boards or commissions for these functions. Even in states that have provided single heads for all administrative work, provision has been made for a few executive boards. Thus in Illinois, the Tax Commission, Industrial Commission, and Commerce Commission are substantially independent and are attached for administrative purposes to the Departments of Finance, Labor and Trade and Commerce, respectively.<sup>3</sup> The Ohio Administrative Code of 1921 makes such commissions a part of the department for administrative purposes by making the director of the department ex-officio secretary of the commission and declaring all clerical, inspectional, and other employees to be employees of the department.<sup>4</sup>

Recent reorganization legislation has shown a definite tendency to use single officials for quasi-judicial and quasi-legislative work. The five following plans are in use in different states—(1) a single commissioner—the Maryland Employment Commissioner and the Public Service Commissioner for the first district in New York, before

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<sup>2</sup>*Illinois Revised Statutes*, 1921, Vol. I, p. 690.

<sup>3</sup>*Ibid.*, pp. 698, 700, 706-707.

<sup>4</sup>*Laws of Ohio*, 1921, pp. 116-118, 121.



1921;<sup>5</sup> (2) a commission with the president or chairman having complete administrative power—Massachusetts Civil Service Commission, New York Tax Commission, and Michigan Department of Labor and Industry;<sup>6</sup> (3) a single commissioner assisted by a full-time board—New York Industrial Commissioner and Industrial Board;<sup>7</sup> (4) a single commissioner, responsible for all decisions, assisted by two deputies, as recommended for the New York Public Service Commission, and the Oregon Tax Commission, Industrial Commission, and Public Utilities Commission,<sup>8</sup> and (5) a single commissioner assisted by bureau heads, as in the Washington department of Public Work, Conservation, and Labor.<sup>9</sup>

Financial control is a most important feature of an integrated administrative system. In the most progressive states this power is lodged in the hands of the Governor and the staff agency through which it is exercised is the Department of Finance. The scope of this financial control includes the budget, current review of expenditures, audit, accounts, and reporting, contingent funds, travel, purchasing and printing. The powers of the Illinois Department of Finance are typical of the new powers of financial control given to the departments of finance in the states with civil administrative codes.<sup>10</sup>

Finally, integration means the coördination of the work of the administrative departments through the administrative cabinet. The Governor and the heads of the administrative departments should constitute a cabinet or administrative council to meet at the call of the Governor to

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<sup>5</sup>*Laws of Maryland*, 1922, p. 70; *Consolidated Laws of New York*, 2d ed., Vol. XI, p. 1495.

<sup>6</sup>*General Laws of Massachusetts*, 1921, Vol. I, p. 66; *Consolidated Laws of New York*, 2d ed., Vol. XIII, pp. 2120-2121; *Public Acts*, Michigan, 1921, pp. 62-64.

<sup>7</sup>*Consolidated Laws of New York*, 2d ed., Vol. XIII, pp. 1262-1263.

<sup>8</sup>*Report of Reconstruction Commission on Retrenchment and Reorganization in the State Government* (New York, 1919) p. 205; *Report of the Consolidation Commission* (Oregon, 1918), pp. 23, 29, 39.

<sup>9</sup>*Compiled Statutes of Washington*, 1922, Vol. III, pp. 3006-3007, 3019-3020, 3021.

<sup>10</sup>*Infra*, p. 77.

discuss general policies of administration, the preparation of a legislative program, the revision of the budget, and methods of coördinating the work of the different administrative departments.

A scientific employment and personnel system is the second of the major principles of public administration applied in the recent reconstruction of state governments. A perfectly integrated system of administration will fail to operate satisfactorily without an efficient and contented personnel. The merit system is not a new principle in public administration, but in its present form it is a movement of the last decade. In the "new" civil service, emphasis is being given to problems largely neglected in the past by civil service commissions. Early civil service commissions were concerned mainly with the protection of the merit system—their work was of a negative character—largely that of keeping the door closed to the spoilsman.

The new employment problems are largely those dealing with: the instruction of new employees; the establishment of standard policies in respect to working conditions, health, and safety, hours of employment, vacations, holidays, and sick leaves, recreational and social activities among employees; carrying on research for the purpose of improving the administration of employment policies, particularly with reference to the technique of examinations, efficiency ratings, incentive and morale of employees; and the establishment of standard policies in respect to classification and standardization, methods of recruitment, promotion, discipline, and removal, and compensation and retirement.<sup>11</sup>

By attention to these new and positive phases of personnel management, civil service commissions hope to build up a new science of public personnel administration which will tend to make the public service a real career in this country.

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<sup>11</sup>*The Character and Functioning of Municipal Civil Service Commissions in the United States* (Report of the Committee on Civil Service, Governmental Research Conference of the United States and Canada, 1922), p. 33.

Given a unified administrative structure, and an efficient personnel, there yet remains the problem of control of the administration. This control may be popular, legislative, judicial, or administrative.<sup>12</sup> Popular control may be exercised through the election of administrative officials or through the determination of administrative structure or policies by the use of the initiative and referendum. Experience with these phases of popular control has demonstrated their impracticability as effective instruments of control over the administration. Legislative control is more common. Its principal manifestations are in the fixing of the structure of the administration, the confirmation of appointments, the determination of policy, investigation of the administration, control of the appropriations, and impeachment. Legislative control has not been effective—the control over the organization of the administration has produced the present disintegrated administrative structure; legislative confirmation of appointments and impeachment has not secured better administration; the power of investigation has been used for political purposes, and in the control of appropriations and the determination of policies the Legislature has gone to a minuteness of detail which has hampered rather than encouraged efficient administration. Control by the judiciary is exercised to enforce private rights; it is slow, and is not concerned with the ultimate efficiency of the administration.

Executive control of the administration is the fourth possibility. This should be concentrated in the hands of the Governor and exercised through staff agencies provided for that purpose. These powers of control include the power of appointment, removal, direction and supervision. One of the most important staff agencies of the Governor will be the Department of Finance, which will assist the Governor in the exercise of the power of financial control. In addition to the regular administrative departments "there should be established a scientific staff to help the

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<sup>12</sup>J. M. Mathews, *American State Government* (D. Appleton & Co., 1924), pp. 248-259.

administration collect information, make suggestions, and work out the details of policy. Such a staff should be composed of individuals with a high degree of training in governmental work, should be appointed, after strict examination, by the executive, and should not be changed with changing administrations. The fund of information which they would soon accumulate would be of enormous value to the State in carrying on its work."<sup>13</sup>

Considerable discretion should be given to the Governor by the Legislature in prescribing the organization within departments and in distributing administrative duties. These matters, once regulated by constitutional and legislative provisions, should be regulated only by administrative ordinances.

To recapitulate: Efficiency is the factor sought by the recent movement to reconstruct State Government. It can be secured through a unified, coördinated, and responsible organization, operated by a highly trained and competent personnel, and controlled by a corps of special staff agencies in the hands of the Chief Executive, who is Chief Administrator and Coördinator.

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<sup>13</sup>F. F. Blachly and M. E. Oatman, *The Government of Oklahoma* (Harlow Publishing Co., 1924), p. 156.

## CHAPTER II

### OUTLINE OF THE REORGANIZATION PROPOSED, REQUIRING CONSTITUTIONAL CHANGES

#### Present Organization THE LEGISLATIVE DEPARTMENT

THE EXECUTIVE DEPARTMENT  
Governor  
Lieutenant Governor

#### THE ADMINISTRATIVE DEPARTMENTS

Board of Control  
Purchasing  
Printing  
Auditing  
Estimates and Appropriations

Comptroller of Public Accounts

Accounting and Book-keeping

Comptroller of Public Accounts

Tax Administration  
Treasurer  
Depository Board  
Rate Making Board  
Tax Commissioner  
Intangible Tax Board  
Board to Calculate Tax Rate  
Highway Department  
Registration Division  
Secretary of State  
Collection of Franchise Taxes

#### Proposed Organization THE LEGISLATIVE DEPARTMENT Comptroller of Public Accounts Administration Audits

THE EXECUTIVE DEPARTMENT  
Governor  
Administrative Council

#### THE ADMINISTRATIVE DEPARTMENTS

DEPARTMENT OF FINANCE  
Administration  
Accounts and Budgets  
Purchases and Printing

#### DEPARTMENT OF TAXATION AND REVENUE

Administration  
Taxation and Equalization  
Motor Vehicle Registration  
Treasury  
(Board of Taxation and Equalization)  
(Board to Calculate Tax Rate)

|  |   |
|--|---|
| Secretary of State   | DEPARTMENT OF STATE<br>Records<br>Elections<br>(Board of Elections)   |
| Attorney-General<br>Assistant Attorney-General,<br>Court of Criminal Appeals   | DEPARTMENT OF LAW<br>Administration<br>Legal Information<br>Law Enforcement   |
| Adjutant General<br>Ranger Force   | DEPARTMENT OF MILITARY<br>AFFAIRS<br>Records<br>Finance<br>Maintenance and Supplies<br>Ranger Force   |
| Board of Education<br>Superintendent of Public In-<br>struction<br>Board of Vocational Educa-<br>tion<br>Text Book Commission<br>State Librarian<br>Historical Board<br>Library and Historical Com-<br>mission<br>Texas School for Blind<br>Texas School for Deaf<br>Deaf, Dumb, and Blind Insti-<br>tute for Colored Youths | DEPARTMENT OF EDUCATION<br>Board of Education<br>Administration<br>High School Supervision<br>Rural Schools<br>Vocational Education<br>State Board of Examiners<br>Text Book Administration<br>State Library<br>Special Education |
| Board of Health<br>Health Officer<br>Anatomical Board  | DEPARTMENT OF HEALTH<br>Administration<br>Rural Sanitation<br>Communicable Diseases<br>Child Hygiene<br>Vital Statistics<br>Laboratories<br>Venereal Diseases<br>Sanitary Engineering<br>Foods and Drugs<br>(Board of Health)     |

|  |                                      |
|--|--------------------------------------|
| Prison Commission                            | DEPARTMENT OF PUBLIC WELFARE         |
| Auditor for Prison System                    | Administration                       |
| Board to Select Auditor for<br>Prison System | Mental Hygiene                       |
| Penitentiary Supervisory<br>Board            | Hospitals                            |
| Board of Control                             | Confederate Veterans                 |
| Division of Eleemosnary<br>Institutions      | Reform Schools                       |
| Board of Pardon Advisers                     | Dependents                           |
|  | Prisons                              |
|  | (Local Advisory Boards)              |
|  | (Public Welfare Commis-<br>sion)     |
| Commissioner of Agricul-<br>ture             | DEPARTMENT OF AGRICULTURE            |
| Agricultural and Mechanical<br>College       | Administration                       |
| Experiment Station                           | Plant Industry                       |
| State Chemist                                | Animal Industry                      |
| State Entomologist                           | Markets                              |
| Live Stock Sanitary Com-<br>mission          | Weights and Measures                 |
| State Veterinarian                           | (Board of Review)                    |
| Commissioner of Markets<br>and Warehouses    | (Advisory Board of Agricul-<br>ture) |
| Superintendent of<br>Weights and Measures    |                                      |
| Board to Select Commis-<br>sioner            |                                      |
| Board to Review Ginning<br>Regulations       |                                      |
| Commissioner of Labor Sta-<br>tistics        | DEPARTMENT OF LABOR                  |
| Industrial Accident Board                    | Administration                       |
| Industrial Commission                        | Employment Control                   |
| Mining Board                                 | Workmen's Compensation               |
| Inspector of Mines                           | (Board of Review)                    |
| Commissioner of Banking                      | DEPARTMENT OF COMMERCE               |
| Commissioner of Insurance                    | Administration                       |
| Fire Insurance Commission                    | Banking                              |
| Fire Marshal                                 | Insurance                            |
| Banking Board                                | Public Utilities                     |
| Secretary of State                           | Corporations                         |
| Corporation Charters and<br>Reports          | (Board of Review)                    |
| Blue Sky Division                            |                                      |
| Railroad Commission                          |                                      |
| Common Carriers                              |                                      |
| Gas Utilities                                |                                      |



Highway Commission

Highway Engineer

Board of Control

Division of Design, Construction and Maintenance

Parks Board

Boards for Washington, San Jacinto and Gonzales State Parks

Board of Managers of State Railroad

Commissioner of the General Land Office

Board of Water Engineers

Reclamation Engineer

Game, Fish and Oyster Commissioner

Agricultural and Mechanical College

State Forester

Railroad Commission

Oil and Gas Division

Board of Public Accountancy

Board of Chiropody Examiners

Board of Examiners of Cotton Classers

Board of Dental Examiners

Board of Embalming

Board of Examiners of Land Surveyors

Board of Legal Examiners

Board of Library Examiners

Board of Medical Examiners

Board of Nurse Examiners

Board of Examiners in Optometry

Board of Pharmacy

Commissioners of Pilots

Board of Plant Breeder Examiners

Board of Veterinary Medical Examiners

## DEPARTMENT OF PUBLIC WORKS AND BUILDINGS

Administration

Highways

Public Buildings and Parks  
(Board of Public Works Advisors)

(Board of Review)

(Local Park Boards)

## DEPARTMENT OF CONSERVATION

Administration

Public Lands

Game and Fish

Forests

Oil and Gas

Irrigation and Reclamation  
(Advisory Conservation Commission)

(Board of Review)

## DEPARTMENT OF EMPLOYMENT AND REGISTRATION

Commission of Employment and Registration

Administration

Employment

Registration

Board of Regents of University of Texas

STATE COUNCIL OF EDUCATION  
Research Secretary

Board of Regents of College of Industrial Arts

Board of Directors of Agricultural and Mechanical College

Board of Managers of North Texas Junior Agricultural College

Board of Directors of Texas Technological College

Normal School Board of Regents

# CHAPTER III

## THE LEGISLATIVE DEPARTMENT

### COMPTROLLER OF PUBLIC ACCOUNTS

The office of Comptroller of Public Accounts was created in 1835. In 1836 it was made a constitutional office and the Comptroller was elected by joint ballot of both houses of the Legislature. By constitutional amendment, adopted in 1850, the office was made elective. The Constitution of 1876 continued the elective practice.<sup>1</sup>

The Comptroller is the principal fiscal officer of the State. His duties include accounting control over State expenditures and supervision of the accrual and collection of State revenues.<sup>2</sup>

In the development of the office, the original function of the Comptroller as a controller or auditor of public accounts has been lost sight of. The Constitution establishes the office, but fails to prescribe its duties. The Legislature has added many duties not consistent with the function of audit and control. The Comptroller has become the principal bookkeeping and accounting officer of the State—he performs no distinct function of auditing. The addition of administrative duties has prevented the Comptroller from acting as an independent check upon the administration. Furthermore, he is in the position of auditing his own work, which destroys the effectiveness of his audit.<sup>3</sup>

To make the Comptroller an independent auditor of the accounts of the administration, there should be a complete separation of his auditing and administrative duties. The function of bookkeeping and accounting control over revenues and expenditures should be transferred to an executive department under the control of the Governor. The audit-

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<sup>1</sup>*Constitution*, art. 4, secs. 1, 2, 23.

<sup>2</sup>*Complete Texas Statutes*, arts. 4320-4361.

<sup>3</sup>*Annual Report of the Comptroller of Public Accounts* (1924), pp. 6-13.

ing powers of the Comptroller should be enlarged so as to enable him to make a continuous audit of the operation of all the administrative departments. This audit should include a study of business methods, results obtained in comparison with amounts expended, as well as a check upon the honesty and accuracy of bookkeeping.

Independence of the administration can be secured in only two ways—election by the people or by the Legislature. While in most states the auditor is elected by the people, in three states, New Jersey, Tennessee and Virginia, he is elected by the Legislature.<sup>4</sup> Selection by the Legislature seems to be the best plan. It insures independence of the administration, and it establishes responsibility in the collection and expenditure of State money to the legislative branch of the government, which is the direct representative of the people.

Proposed organization.—It is recommended that the Comptroller of Public Accounts should be a constitutional officer elected by a majority vote of all the members of the Legislature, to serve during the pleasure of the Legislature. His qualifications should be prescribed in the Constitution and they should be such as to insure the election of a competent and qualified auditor. His duties also should be fixed in the Constitution, so as to prevent the adding of administrative duties by the Legislature.

The functions of the Comptroller should be limited to those of an auditing nature.<sup>5</sup> He should conduct a continuous audit of the accounts of all State departments and institutions, and make a report quarterly to the presiding officers of the two houses of the Legislature, and to the Legislature at the beginning of each regular session. At the direction of either branch of the Legislature he should make additional reports and investigate any phase of the

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<sup>4</sup>*Constitutions*, New Jersey, art. 7, secs. 11, 3; Tennessee, art. 7, sec. 3; Virginia, art. 5, sec. 82.

<sup>5</sup>For an example of the separation of auditing and accounting functions, see *Acts*, Massachusetts, 1922, ch. 545, and 1923, ch. 362.

financial affairs of any State department, office or institution.<sup>6</sup>

The office will be organized with two bureaus:

1. *Administration.*
2. *Audits.*

The Bureau of Administration will be in charge of office management, personnel, etc.

The Audit Bureau will audit the books and records of departments and institutions and prepare all reports and financial statements. All other functions now performed by the Comptroller would be transferred to other departments as follows:

Accounting control over revenues and expenditures, now performed by the bookkeeping division, sheriff's division, warrant division, pension division, bond division, and financial statistics division would be transferred to the proposed Department of Finance.

Supervision over the collection and accrual of State revenue and the administration of tax laws—now performed by the receiving division, tax division, gross receipts and auditing division, inheritance tax division, and redemption division would be transferred to the proposed Department of Taxation and Revenue.

A constitutional amendment would be necessary to change the method of electing the Comptroller. All of the duties of the Comptroller have been fixed by statute and could be changed by the Legislature.

Organization in other states.—Studies made in other states have pointed out a distinction between auditing duties and those of accounting and supervision over claims and expenditures. Recommendations have been made in several states to separate these functions, relieving the Auditor of all supervisory routine administrative duties and making him responsible for an independent audit of all State departments.

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<sup>6</sup>*A Model State Constitution* (National Municipal League, 1922), sec. 28.

In its report on Retrenchment and Reorganization in the State Government, the New York Reconstruction Commission of 1919 said:

The functions of audit and control should be vested in a single officer, elected by the people, so that he may be independent of the whole executive government of which he is the critic and upon which he is the check.

It is obvious that the officer who performs the functions of audit and control should not himself be an administrative officer charged with the duties of collecting and expending the funds of the State. The function of audit and control must be completely separated from the function of planning and spending, if there is to be effective check and efficient criticism.<sup>7</sup>

The Ohio Joint Legislative Committee on Administrative Reorganization in its report, said:

It is recommended that the Auditor should be charged only with the auditing function and that he be continued to be elected by the people so that he may be independent of the whole executive government, and be free to criticise its performance when necessary. In addition to auditing the financial records with respect to accuracy and legality, he should be charged with the duty of ascertaining the wisdom, economy and effectiveness of expenditures; in other words, there is need for a continuous, independent, analytical study of operations and results accomplished by the executive government. Provision should be made by law for publication of the findings of the Auditor so that these would be available to the General Assembly, the Governor and citizens.<sup>8</sup>

In support of the appointment of the Comptroller by the legislative branch of the Government, Dr. W. F. Willoughby, Director of the Institute for Government Research, argues that

The prime function of this officer is to act as the agent of the legislative branch to see that no moneys issue from the

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<sup>7</sup>*Report of Reconstruction Commission*, pp. 53, 54.

<sup>8</sup>Don C. Sowers, *Report on Summary of Recommendations for the Administrative Reorganization of Ohio's State Government* (1920), p. 10.

treasury for expenditure by the administrative branch except in accordance with law and that all moneys so issued are duly accounted for. The Comptroller and Auditor are thus, or should be, officers of the legislative branch. Instead of being parts of the administrative branch and subject to superior administrative direction and control they should act as agents of the Legislature to control the executive. As such they should be independent of administrative direction and control and be responsible directly to their principal, the Legislature.<sup>9</sup>

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<sup>9</sup>W. F. Willoughby, *The Reorganization of the Administrative Branch of the National Government*, p. 13.



# CHAPTER IV

## THE EXECUTIVE DEPARTMENT

### THE GOVERNOR

The position of the Governor, as head of the State Administration, in comparison with that of the President, as head of the National Administration, is conspicuously weak. He cannot control the administration through the power to appoint and remove the principal heads of departments. His influence in regard to legislation is slight; and he has no positive power in budget making.<sup>1</sup> A salary of \$4,000 a year and a term limited to two years are further restrictions on the executive office. Under these conditions the Governor cannot be the responsible head of the State administration.

It is suggested that the Governor should be elected for a term of four years, and should take office in December following his election. The salary of the chief executive should be increased to \$15,000 per year, with the use of the Executive Mansion. The Governor should be the only elective executive officer. He should be the chief administrative officer of the State charged with the duty of supervision, direction, coördination, planning, and controlling the administrative activities of the State. All lines of executive authority should run from the departments to the Governor. It is proposed that the Governor shall have powers commensurate with this responsibility.

In the first place, the Governor should have the power to appoint and remove the heads of the administrative departments. Only in this way can the Governor be responsible for the work of the administration. All appointments should be made by the Governor without the confirmation of the Senate, provided that in the appointment of heads

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<sup>1</sup>*Supra*, pp. 14-23.

of departments and their removal a statement of reasons must be recorded by the Governor in the office of the Secretary of State. In case of removal such statement must also be furnished to the officer removed.

The Governor should be chairman of the administrative council, and in consultation with it, work out the plans and policies of the administration, revise the budget and prepare methods of coördinating the work of the different administrative departments.

Through the power of financial control the Governor should be able to keep a constant check upon the financial operations of the Government. The Department of Finance will act as the staff agency for this purpose and will assist the Governor in the control of the budget, expenditures, audit, accounts and reporting, contingent funds, travel, purchases and printing.

At the beginning of each regular session of the Legislature the Governor shall submit to the Legislature a budget, outlining a plan of proposed expenditures and anticipated revenues of all branches of the State Government for the next two years. He shall accompany his budget with a general appropriation bill covering all of the proposed expenditures outlined in the budget.<sup>2</sup> The detailed work of receiving and compiling the estimates of revenues and expenditures will be done by the Department of Finance, and in this department controlling accounts will be set up to supervise the operation of the budget plan, after appropriations have been enacted by the Legislature.

Wide powers in prescribing the organization within departments and in distributing administrative duties should be given to the Governor by the Legislature. Many matters, once the subject of regulation by statutes, should be left to the Governor to regulate through the power of administrative ordinances.

To assist the Governor in the gathering of information and in the preparation of plans and policies there should be established in the executive office a trained, technical

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<sup>2</sup>*A Model State Constitution*, sec. 49.

staff, an expert corps of administrative assistants, with a high degree of training in government, carefully selected by the executive, after strict examination. This body should constitute a permanent staff of trained officials and should not change with different administrations.

In order to provide a closer relationship between the executive and Legislature, the Governor and the heads of administrative departments should be given a seat in the Legislature with the right to introduce bills and to take part in debate, but with no vote.<sup>3</sup>

Removal of the Governor by recall and by the Legislature, in addition to impeachment, should furnish adequate means of preventing an abuse of powers. The recall provisions should insure a fairly large per cent on the petition and should prohibit the entry of other candidates in the recall election. In case of the recall of the Governor, the vacancy should be filled as provided by law. The Legislature should have the power, after notice and hearing, to remove the Governor from office by a two-thirds vote of all the members elected to the Legislature.<sup>4</sup>

Constitutional changes would be necessary to increase the salary of the Governor, lengthen his term, induct him into office in December, give him an independent power of appointment and removal, provide him with a seat in the Legislature, and allow the Legislature to remove him by vote.

Opponents of administrative reorganization attack this concentration of power in the hands of the Governor as dangerous.

Dodd believes there is little weight to the objection:

The proposal to organize the State Administration into a small group of departments, each responsible to the Governor, arouses some fear that such a plan will set up a despotism. Such a plan is in theory that of the National Government, and there is nothing to be feared from organizing a responsible State Administration under the control of a popularly elected

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<sup>3</sup>*Ibid.*, sec. 47.

<sup>4</sup>*Ibid.*, sec. 48.

Governor chosen at most for a period of four years.

A good deal of progress has been made toward the simplification of State administrative organization, but in the main the State plan is still that of hiding responsibility in hundreds of little separate compartments. Improvements may be expected from the concentration of power in the Governor, and from knowledge, on the part of the people as to whom they may hold responsible for the proper conduct of State affairs. Of course the possibility of abuse of political power goes with the opportunity of improving State administration. Shall we assume that our State Governments are bad, and seek to prevent their doing anything effectively, while at the same time imposing upon them constantly greater and more important tasks; or shall we loosen the hands of State Government and give it a chance to do its work effectively, recognizing at the same time that increased power to work effectively means an increased possibility of danger as well? The increased possibility of danger carries with it, however, an effective means of discovering the danger, because the executive organization and the Governor as its responsible head will under such a plan be so conspicuous that inefficiency or corruption cannot hide itself.<sup>5</sup>

Ex-Governor Frank O. Lowden of Illinois has said that too much has been made of this fear of concentrated executive power:

Democracy has been afraid of itself and of its own chosen officials, and has hedged them about with so many restrictions that genuine efficiency has been well-nigh impossible. We have framed our laws as though they were to execute themselves, providing in detail for every contingency, leaving no means by which the head could meet unforeseen contingencies. We have gone on the theory that we could tie men's hands for evil, but, at the same time, leave them free for good. It is as if we sent men into battle without arms, because those arms might be used against our friends. What we need is not more but fewer agencies of government, with power concentrated in the responsible heads.<sup>6</sup>

#### THE LIEUTENANT GOVERNOR

The Lieutenant Governor is next in rank to the Governor. His principal duties are to succeed the Governor in case

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<sup>5</sup>W. F. Dodd, *State Government*, pp. 264-265.

<sup>6</sup>"Problems of Civil Administration," in *North American Review*, Vol. CCX (August, 1919), p. 189.

of his death, resignation, removal from office, inability or refusal to serve, impeachment or absence from the State, and to serve as President of the Senate. Following the Lieutenant Governor succession is vested by the Constitution in the President Pro Tempore of the Senate, an official chosen by the Senate from its own membership at the beginning and close of each session and at such other times as may be necessary. The House of Representatives elects its Speaker from its own members.<sup>7</sup>

It is recommended that the office of Lieutenant Governor be abolished. There is no real need for such an office. The duty of presiding over the Senate could be given to an officer elected by the Senate. The election of an officer whose principal function is to fill a vacancy seems an unnecessary procedure. Thirteen states seem to get along successfully without such an official.<sup>8</sup> Quite often Lieutenant Governors have represented a different element or policy from that of the Governor.

In case of death, impeachment, or other disability of the Governor, it is recommended that the powers and duties of the office shall devolve upon the presiding officer of the Senate, and after him, the presiding officer of the House of Representatives.

Abolition of the office of Lieutenant Governor would require a change in the Constitution.

Succession by the presiding officer of the Legislature is provided for in the Model State Constitution, prepared by the National Municipal League.<sup>9</sup>

Dr. W. F. Dodd, a member of the Committee on State Government, which prepared the Model State Constitution, maintains that

The office of Lieutenant Governor is of little value and could be abolished without loss. The person chosen Lieutenant

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<sup>7</sup>*Constitution*, art. 3, sec. 9; art. 4, secs. 1, 2, 16, 17, 18.

<sup>8</sup>Arizona, Arkansas, Florida, Georgia, Maine, Maryland, New Hampshire, New Jersey, Oregon, Tennessee, Utah, West Virginia, and Wyoming.

<sup>9</sup>*A Model State Constitution*, sec. 45.

Governor is usually not one whom the voters of the State would desire to have as Governor, and this condition is not likely to change.<sup>10</sup>

### THE ADMINISTRATIVE COUNCIL

Writers on state government have often pointed out, in comparing state and national administration, the lack of anything in state government resembling the President's Cabinet in the National Administration. Executive councils did exist in a few states in colonial times, and a few have survived for some time, but these were more for the purpose of checking the Governor than to advise, aid and assist him in the formulation of the policies of the administration. The lack of a state cabinet is just another illustration of the weakness of the Governor's powers in administration. The fundamental reason for the absence of a cabinet is that the heads of a number of important state departments are elective—and not responsible to the Governor—and responsibility to the chief executive is the main principle of the cabinet system in the National Government.

Informal conferences of the Governor and the heads of administrative departments are often held to discuss some departmental problem, but regular meetings of the heads of the principal administrative departments with the Governor for the discussion of general problems of administration are never held.

Proposed organization.—An Administrative Council is proposed to be composed of the Governor, Chairman, and the heads of the fourteen administrative departments of State, Law, Military Affairs, Education, Public Welfare, Health, Agriculture, Commerce, Labor, Conservation, Public Works and Buildings, Taxation and Revenue, Finance, and Employment and Registration. The Secretary of State should serve as secretary of the Council. Meetings should be held at the call of the Governor.

<sup>10</sup>Dodd, *op. cit.*, pp. 235-236.

The Council should assist the Governor in the formulation of the general policies of the administration, in preparing a program of legislation, in the revision of the budget and in coordinating the work of the different branches of the administration, so as to eliminate duplication, etc.

The Council could be organized by statute.

Organization in other states.—In practically all of the states that have adopted administrative reorganization codes, the cabinet system has been adopted as an integral part of the reorganization. Governors in these states have declared that much of the success in the operation of the code system has been due to these informal conferences. In most states such a body has been organized by administrative practice. In two states, however, such bodies are provided in the administrative code. The Governor's Advisory Council of Maryland was created "for the purpose of promoting coordination and effective supervision over the conduct of the State Government." "The said Advisory Council shall meet with the Governor, from time to time, for the consideration of general State policies, finances, departmental and institutional work and conditions." It is composed of the State Comptroller, State Treasurer, Attorney General, Chairman of the State Board of Education, President of the State Board of Agriculture, and of the University of Maryland, the Directors of the Departments of Welfare, Charities, Health, Public Works, Public Safety, Police Commissioner of Baltimore City, Conservation Commissioner, and Commissioner of State Employment and Registration.<sup>11</sup>

Under the Washington reorganization act an administrative board is created to consist of the Governor, chairman and the directors of the ten departments created by the code: Public Works, Business Control, Efficiency, Taxation and Examination, Health, Conservation and Development, Labor and Industries, Agriculture, Licenses,

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<sup>11</sup>*Laws of Maryland*, 1922, p. 73.

and Fisheries and Game. The general function of the board is to "advise as to questions of policy in the administration of any of the departments of the State Government." The board meets at the call of the Governor.<sup>12</sup>

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<sup>12</sup>*Compiled Statutes of Washington*, 1922, Vol. III, pp. 3003-3004.



## CHAPTER V

### THE PROPOSED ADMINISTRATIVE DEPARTMENTS

The first plan of reorganization proposed is a complete one and will require amendment of the Constitution in order to change the status of a number of constitutional agencies. The ninety-one officers, boards and commissions are consolidated into fourteen major departments and an independent council of education.

Each department will be headed by a single officer, who is to be called a Commissioner, except in the case of the Departments of Law, State and Military Affairs, which will be headed by the Attorney-General, Secretary of State, and Adjutant General, respectively. Associate commissioners should be provided for wherever needed. The Governor is to appoint the heads of all departments, except the Department of Education, the head of which will be appointed by the Board of Education. Terms of department heads will be at the pleasure of the Governor, but not for a longer term than that of the Governor. Salaries of commissioners should be adequate to secure trained people and should range from \$5,000 to \$7,500 a year.

No full time boards will be employed, but a supervisory board will be provided for the Department of Education. Advisory boards will be attached to several departments. Wherever the State service will be benefited, local advisory boards will be created. All of the present professional examining boards will be retained. All boards should be appointed by the Governor for overlapping terms of six years, one third of the membership being appointed every two years. Some departments will constitute boards of their own officials, for quasi-judicial and quasi-legislative work. The Commissioner of the department will be responsible for all decisions.

Civil service regulations will determine the selection and promotion of the subordinate employees, including heads of divisions and directors of bureaus.

Each department will assume the duties of a number of separate independent agencies, all of which will be abolished. Bureaus, each under a director, will be organized in the new department to take over the work of the agency abolished. Bureaus may be divided into divisions. In some cases agencies are abolished as no longer necessary.

A majority of the proposed departments can be established by statutory changes, but several will require amendment of the Constitution.

These proposals for reorganization are based on recommendations made by official Texas agencies and on plans proposed and adopted in other states.

#### DEPARTMENT OF FINANCE

Responsibility for financial control in Texas is divided between the Comptroller of Public Accounts and the Board of Control, with slight supervision vested in the Governor. The unsatisfactory machinery of financial control and the movement for the establishment of a budget system and better methods of accounting control, culminating in the creation of the Board of Control in 1919 have already been described. Likewise the limitations and inadequacy of the budget and auditing system established by the Board of Control Act have been analyzed elsewhere.<sup>1</sup>

A Department of Finance is proposed, whose primary function shall be fiscal control of revenues and expenditures and of all of the financial operations of the State Government. This department would act as the staff agency of the Governor in the exercise of his powers of financial control.<sup>1a</sup>

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<sup>1</sup>*Supra*, pp. 19-23; 36-40.

<sup>1a</sup>On fiscal control in the States, see George Shiras Call, "Fiscal Control of State Expenditures"; F. F. Blachly and M. E. Oatman, "Fiscal Control in Oklahoma"; Morris B. Lambie, "Administrative Control in the Commonwealth of Massachusetts"; R. E. Miles, "Fiscal Control in Ohio," in *The Annals of the American Academy of Political and Social Science*, Vol. CXIII (May, 1924), pp. 75-112; Harry A. Barth, *Financial Control in the States With Special Reference to the*

The Department would be divided into three bureaus:

1. *Administration*—secretary of the department.
2. *Accounts and budget*—to have the duties of Auditing Division and Division of Estimates and Appropriation of the Board of Control, and bookkeeping division, sheriff's division, warrant division, pension division, bond division, and financial statistics division of the Comptroller of Public Accounts.

3. *Purchases and printing*—to assume the duties of the Purchasing and Printing Divisions of the Board of Control.<sup>2</sup>

In the exercise of its duty of financial control it is proposed that the department shall have powers of the same character as the Illinois Department of Finance:

1. To prescribe and require the installation of a uniform system of bookkeeping, accounting and reporting for the several departments;

2. To prescribe forms for accounts and financial reports and statements for the several departments;

3. To supervise and examine the accounts and expenditures of the several departments;

4. To examine, at any and all times, into the accuracy and legality of the accounts, receipts and expenditures of the public moneys and the disposition and use of the public property by the several departments.

5. To keep such summary and controlling accounts as may be necessary to determine the accuracy of the detail accounts and reports from the several departments, and to prescribe the manner and method of certifying that funds are available and adequate to meet all contracts and obligations;

6. To prescribe uniform rules governing specifications for purchase of supplies, the advertisement for proposals, the opening of bids and the making of awards, to keep a catalogue of prices current and to analyze and tabulate prices paid and quantities purchased;

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*Governor* (Univ. of Pa. Studies, 1923); L. D. White, *An Evaluation of the System of Central Financial Control of Research in State Governments* (National Research Council, 1924).

<sup>2</sup>The remaining two divisions of the Board of Control would be transferred to other departments and the board would be abolished as a separate agency. *Infra*, pp. 91, 99.

7. To examine, at any and all times, the accounts of every private corporation, institution, association or board receiving appropriations from the General Assembly;

8. To report to the Attorney General for such action civil or criminal, as the Attorney General may deem necessary, all facts showing illegal expenditures of the public money or misappropriation of public property;

9. To examine and approve, or disapprove, vouchers, bills, and claims of the several departments and such as are by law made subject to the approval of the Governor and referred to it by the Governor, and no voucher, bill or claim of any department shall be allowed without its approval and certificate;

10. To prescribe the form of receipt, voucher bill or claim to be filed by the several departments with it;

11. In settling accounts of the several departments, to inquire into and make an inspection of articles and materials furnished or work and labor performed for the purpose of ascertaining that the prices, quality and amount of such articles or labor, are fair, just and reasonable, and that all the requirements, expressed, or implied, pertaining thereto have been complied with, and to reject and disallow any excess;

12. To prepare and report to the Governor when requested, estimates of the income and revenues of the State;

13. To prepare and submit to the Governor biennially, not later than the first day of January preceding the convening of the General Assembly, a State budget;

14. To publish, from time to time, for the information of the several departments and for the general public, bulletins of the work of the Government;

15. To investigate duplication of work of departments, and the efficiency of the organization and administration of departments, and to formulate plans for the better coördination of departments.<sup>3</sup>

All of the changes proposed could be made by statute.

Organization in other states.—Departments of finance with extensive powers of financial control have been established by the civil administrative codes of Illinois, Idaho, Nebraska, Ohio, Pennsylvania and Tennessee. <sup>4</sup> Massa-

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<sup>3</sup>*Illinois Revised Statutes*, 1921, Vol. I, pp. 696-697.

<sup>4</sup>For the complete texts of the principal civil administrative codes, see *Illinois Revised Statutes*, 1921, Vol. I, pp. 686-712; *Idaho Compiled Statutes*, 1919, Vol. I, pp. 83-115; *Compiled Statutes of Nebraska*,

chusetts has established a Commission on Finance and Administration.<sup>4a</sup>

#### DEPARTMENT OF TAXATION AND REVENUE

The various existing State agencies whose work should fall in the proposed Department of Taxation and Revenue are the following:

Comptroller of Public Accounts  
Administration of all Tax Laws  
Treasurer,  
Depository Board  
Rate Making Board  
Tax Commissioner  
Intangible Tax Board  
Board to Calculate Tax Rate  
Highway Department  
Registration Division  
Secretary of State  
Collection of Franchise Taxes

The proposed Department of Taxation and Revenue would have supervision over the assessment and levy of taxes, and the collection, accrual, custody and disbursement of State revenue. Bureaus of the Department would be created as follows:

1. *Administration*—secretary of the Department.
2. *Taxation and equalization*—to have supervision over the collection and accrual of State revenue and the administration of tax laws—now performed by the receiving division, tax division, gross receipts and auditing division, inheritance tax division, and redemption division in the

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1922, pp. 2245-2629; *Laws of Ohio*, 1921, pp. 105-135; *Laws of Pennsylvania*, 1923 pp. 498-676; *Public Acts of Tennessee*, 1923, pp. 8-44; *Laws of Maryland*, 1922, pp. 39-73; *General Laws of Massachusetts*, 1921, Vol. I, pp. 30-105; *Compiled Statutes of Washington*, 1922, Vol. III, pp. 3001-3039.

<sup>4a</sup>*Acts*, Massachusetts, 1922. ch. 545; *Acts*, 1923 ch. 362.

office of Comptroller of Public Accounts, the Tax Commissioner, Intangible Tax Board, and Secretary of State in the collection of franchise taxes.

3. *Motor vehicle registration*—to assume the duties of the Registration Division of the Highway Department.

4. *Treasury*—to exercise the duties of the State Treasurer, Depository Board, and Rate Making Board.

The Commissioner of the Department of Taxation and Revenue, the Director of the Bureau of Taxation and Equalization, and the Head of the General Property Tax Division should constitute a Board of Taxation and Equalization—whenever necessary to act in the administration of the tax laws. The Commissioner should be responsible for all decisions.

A board to be composed of the Governor, Commissioner of Taxation and Revenue and the Comptroller of Public Accounts should fix annually the State general property tax rate.

A constitutional amendment would be necessary to change the status of the Treasurer. All other changes could be made by statute.

Texas recommendations.—The Central Investigating Committees of the Thirty-fifth Legislature recommended that the offices of Tax Commissioner and Intangible Tax Board should be abolished, and the duties of the Tax Board be distributed between the Railroad Commission and the Comptroller's Department.<sup>5</sup>

Organization in other states.—Massachusetts created a Department of Corporations and Taxation; Washington has a Department of Taxation and Examination; Tennessee combines Finance and Taxation into one department; while in Illinois, Ohio, and Maryland the Tax Commission is united with the Department of Finance for administrative purposes.<sup>6</sup>

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<sup>5</sup>"Joint Report of the Central Investigating Committee," in *House Journal*, 35th Leg., 4th called sess. (1918), p. 230.

<sup>6</sup>Civil Administrative Codes, *supra*, p. 78.

## DEPARTMENT OF STATE

The proposed Department of State will be headed by the Secretary of State, appointed by the Governor to serve at his will. The Secretary of State will be the chief recording and election official of the State, and the Department will be divided into two bureaus as follows:

1. *Records*—to have charge of the State archives and legislative records, register of State officers, distribution of laws and reports; register of proceedings of Governor, custody and use of State seal; municipal charters and amendments, and administrative detail of the Department.

2. *Elections*—to receive returns of elections of all State, district and national officers, constitutional amendments and presidential electors.

The Governor, Attorney-General, and Secretary of State will constitute a board of elections to canvass such returns on the fortieth day after the election.

The corporation duties of the Secretary of State should be transferred to other departments as follows: Collection of the corporation franchise tax to the proposed Department of Taxation and Revenue; granting charters of incorporations, receiving reports from municipal public utilities, and administration of the blue sky law to the proposed Department of Commerce.

It is logical to place the regulation and supervision of all corporations in the same department. It is believed such a consolidation will be more economical and give better service to the public.

A constitutional amendment would be necessary to change the status of the Secretary of State.

Organization in other states.—In all states except five the Secretary of State is an elective official.<sup>7</sup> However, a number of efficiency and economy commissions have recommended that this official should be appointed by the Governor. In most of the states that have adopted administrative codes the constitutional officers have not been included on account of the difficulty of amending the Constitution.

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<sup>7</sup>J. M. Mathews, *Principles of American State Administration* (D. Appleton & Co., 1917), p. 138.

The Secretary of State has been appointed by the Governor in Texas since 1825.

#### DEPARTMENT OF LAW

A Department of Law with the Attorney-General at the head is proposed. The Governor would appoint the Attorney-General to serve during his pleasure. Appointment by the Governor guarantees that this important legal office will work in harmony with the Governor and the State officers. Proper legal advice is indispensable to administrative officers, and it is a necessity that it must come from a competent and sympathetic legal counsel. It has happened in Texas that the elected Attorney-General was not on cordial terms with the Governor. Such a condition hampers effective administration.

The office of Assistant Attorney-General in the Court of Criminal Appeals would be abolished and the duties transferred to the Attorney-General's Department. This was recommended by the central investigating committees of the Thirty-fifth Legislature.<sup>8</sup>

The Department would be organized into the following bureaus:

1. *Administration*.—Secretary, office management, etc.
2. *Legal information*.—Legal service to all State departments.
3. *Law enforcement*.—To have supervision over local law enforcement officials.

All legal service to State officers would be furnished by this Department. Employment of special attorneys by departments would be prohibited. When necessary, special attorneys should be assigned to departments from the Department of Law.

Additional powers of supervision over district and county attorneys should be given to the Attorney-General. He should have greater powers to direct their work, and, on direction of the Governor, to bring *quo-warranto* proceed-

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<sup>8</sup>Joint Report, *op. cit.*, p. 232.



ings for their removal. Enactment of such a law has been recommended by Governor Neff to two legislatures.<sup>9</sup>

A constitutional amendment would be necessary to make the Attorney-General an appointive official.

Organization in other states.—In more than forty states the Attorney-General is elected by the people.<sup>10</sup> However, in Pennsylvania and New Jersey he is appointed by the Governor. In the national administration, the Attorney-General is appointed by the President, with confirmation of the Senate, is a member of the President's cabinet, and head of the Department of Justice. His duties are similar to the duties of Attorney-General of a state. The plan of appointment has worked satisfactorily in the national administration.

As to special attorneys employed by departments, the weight of opinion is that the Attorney-General should furnish all of the legal service of the State, and that if special attorneys are needed, they should be appointed by the Attorney-General with the approval of the Governor.<sup>11</sup>

Regarding the supervision of local attorneys by the Attorney-General, a recent writer on state government says:

Various somewhat half-hearted attempts are made to bring the prosecuting attorneys under central control. It is frequently provided that they shall be under the direction of the Attorney-General, who may exercise supervision over them as to the manner of discharging their duties, and it is made their duty to assist him in the prosecution of important cases arising in their localities. There is usually, however, no means provided for enforcing the power of direction, and friction and differences of opinion have frequently arisen . . . A partial remedy for this condition of affairs has been found in some states, either by the removal of the local attorney, as in New York, Minnesota, Nebraska, Indiana, and Iowa, or by practical super-

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<sup>9</sup>*House Journal*, 37th Leg., reg. sess. (1921), p. 316; 38th Leg., reg. sess. (1923), p. 95.

<sup>10</sup>Mathews, *op. cit.*, p. 140.

<sup>11</sup>Report of the Efficiency and Economy Committee of Illinois (1915), pp.957-960.

session of the local prosecuting officers by officers of central appointment and control, as in Pennsylvania, Oregon and Kansas.<sup>12</sup>

#### DEPARTMENT OF MILITARY AFFAIRS

A Department of Military Affairs is proposed with the Adjutant General as the administrative head, to have charge of the military affairs of the State, under the direction of the Governor. The Department should be organized into bureaus as follows:

1. *Records*.—Department administration; custody of departmental records and files.

2. *Finances*.—Pay, transportation, subsistence, and all other expenses of military forces of state.

3. *Maintenance and supplies*.—Assistant quartermaster general—custody of military stores and property.

4. *Ranger force*.—Border patrol and internal police.

The ranger force has been attached to the Adjutant Generals' Department since 1836.

These recommendations require only statutory changes.

Organization in other states.—Military departments are found in all states, and "in almost every state the Governor appoints the Adjutant General."<sup>13</sup>

A number of states have state constabularies.<sup>14</sup> The Massachusetts police force, established in 1865, is a division of the Department of Public Safety under the immediate charge of the Commissioner. Connecticut has a State police department, established in 1903, under a superintendent appointed by five Commissioners of State Police selected by the judges of the superior court. The Pennsylvania State police, created in 1905, is headed by a Superintendent appointed by the Governor and Senate. New York

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<sup>12</sup>Mathews, *op. cit.*, pp. 144-145.

<sup>13</sup>A. C. McLaughlin and A. B. Hart, *Cyclopedia of American Government* (D. Appleton & Co., 1914), Vol. I, p. 8.

<sup>14</sup>Milton Conover, "State Police Developments: 1921-1924," in *American Political Science Review*, Vol. XVIII (Nov., 1924), pp. 773-781.

established a Department of State Police in 1917. At the head is a Superintendent appointed by the Governor and Senate.<sup>15</sup>

#### DEPARTMENT OF EDUCATION

It is proposed to consolidate into a Department of Education the various agencies in the educational field—State Board of Education, Superintendent of Public Instruction, Textbook Commission, Vocational Education Board, and the several library and historical agencies, Texas Library and Historical Commission, State Librarian, and Historical Board. It is also proposed that the management of the Texas School for the Blind, the School for the Deaf, and the Deaf, Dumb, and Blind Institute for Colored Youths shall be vested in this Department.

A State Board of Education of nine members will be appointed by the Governor for terms of nine years, one member being appointed every year. Women should be represented on the board and the members should be representative of different educational interests. Members should serve without compensation.

This board would have general supervision over the Department of Education and over the whole system of public schools, with power to form the general public school policies for the State, to hear appeals, make rulings, and to fix the boundaries of school districts. Its powers should not be administrative, but those of supervision and policy determination.

A Commissioner of Education, to be appointed by the Board of Education, would be the administrative head of the Department. He should hold office during good behavior and efficiency and should be removed only for cause.

The objections to popular election of the head of the Department of Education and the advantages of appoint-

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<sup>15</sup>*General Laws, Massachusetts*, 1921, pp. 89-91; *Connecticut, General Statutes*, 1918, pp. 705-715; *Laws, Pennsylvania*, 1923, p. 517; *Consolidated Laws of New York*, Vol. I, 1917, pp. 297-299.

ment are well summed up by a former Superintendent of Public Instruction:

The same arguments that apply to the appointment of a county superintendent by a county board apply with almost equal cogency to the appointment of a state superintendent by a state board. While it is true that a person without scholarship or experience is less likely to be chosen for the State office than for the county office, still it is also a fact that the constant intrusions of attempts at political influence, the temporary nature of the position, and the expense of political campaigns, make the place less likely to be sought by those who have the education, the personal characteristics, and the special training essential to efficiency in a position requiring the exercise of the highest intellectual ability, the sanest common sense, the clearest and most logical faculties of judgment, and the most unbendable integrity and honor.<sup>16</sup>

Bureaus of the Department would be created as follows:

1. *Administration*.—Office management, statistics.
2. *High school supervision*.—Classification of high schools and elementary schools; college entrance examinations.
3. *Rural Schools*.—Apportionment of the special funds for aid to rural schools; fostering rural education.
4. *Vocational education*.—Administration of the Smith-Hughes law.
5. *State board of examiners*.—Examination of papers for applicants for teachers' certificates.
6. *Textbook administration*.—Administration of the free textbook law.
7. *State Library*.—To exercise the duties of the Library and Historical Commission, State Librarian, and Historical Board.

The Supreme Court Library would continue under the control of the Supreme Court.

8. *Special education*.—To have control of the Texas School for the Blind, the School for the Deaf and the Deaf, Dumb, and Blind Institute for Colored Youths.

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<sup>16</sup>A. W. Blanton, *A Hand Book of Information as to Education in Texas*, 1918-1922 (Dept. of Education Bull. no. 157, 1923), p. 7.

The State Board of Education would act as a State Board of Vocational Education and as a Textbook Board.

A constitutional amendment would be necessary to change the organization of the State Board of Education, and to give members a nine-year term; the other recommendations could be effected by statute.

Texas recommendations.—In the report of the Governor's committee on education, January 7, 1921, it was recommended that there should be established "a State board in charge of the State Department of Education and of the public schools, who shall appoint the State Superintendent of Public Instruction and who shall determine and carry out the policies of public education for the public schools of the State . . . ." <sup>17</sup> A similar recommendation has been made several times by the Superintendent of Public Instruction. <sup>18</sup> The Governor's committee also recommended that the Texas School for the Blind and the School for the Deaf should be considered educational institutions.

Organization in other states.—The educational organization in other states usually consists of a State Board of Education and a State Superintendent or Commissioner of Education. State boards of education are found in forty states. Members are ex-officio or secure their positions through appointment by the Governor or Legislature, or by popular election in one state. The State Superintendent of Public Instruction is elected by the people in thirty-three states, appointed by the Governor in seven states, and in eight states he is elected by the State Board of Education. <sup>19</sup>

Authorities agree that the best form of administration is that of a single administrative official assisted by an advisory board. Professor J. T. Young, of the University of Pennsylvania, says:

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<sup>17</sup>"Report of Governor's Committee on Education," in A. W. Blanton, *Report on Education in Texas and Recommendations Made to the Governor and Thirty-Seventh Legislature, 1921*, pp. 32-36.

<sup>18</sup>Blanton, *op. cit.*, p. 7.

<sup>19</sup>Mathews, *op. cit.*, pp. 305-314.

A single-headed authority, the superintendents, possesses the advantages which arise from any centering of authority at a definite point, viz., quickness and efficiency of action, greater willingness to accept new ideas and to keep abreast of the times, and definiteness of responsibility and power. A board is more conservative and gives greater deliberation to disputed question of policy, but is less capable of drafting and executing a strong, constructive program. The board should therefore be an advisory body to aid the superintendent.<sup>20</sup>

Serious objections are made to the prevailing method of selecting the Superintendent of Public Instruction by popular vote. This method of election, according to a recent writer on state government,

is the poorest method of selection, since it practically always necessitates choosing a resident of the state not so much by the wish of the people as by the operation of political parties . . . . The Superintendent of Education should certainly be removed from politics and political influence; his qualifications should be high and carefully scrutinized by the appointing authority; and, while subject to removal, he should be given a sufficiently long term to enable him to put policies into effect. On the whole, election by a board is perhaps the best method of choice.<sup>21</sup>

The New York system may be taken as an example of the best type of state educational administration. There is a central board of regents, known as the Regents of the University of the State of New York, created in 1784, and composed of twelve members, one member being elected annually by the Legislature for a twelve-year term. The board has wide powers over both secondary and higher education. It appoints an executive officer known as the Commissioner of Education, who serves during the pleasure of the board.<sup>22</sup>

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<sup>20</sup>J. T. Young, *The New American Government and Its Work*, 2d rev. ed. (The MacMillan Co., 1923), p. 431.

<sup>21</sup>E. Kimball, *State and Municipal Government in the United States*, p. 174.

<sup>22</sup>*Report of Reconstruction Commission*, pp. 129-130.

Successful operation has been obtained with this system in New York. The New York Reconstruction Commission of 1919, while stating its opinion that a single head for the educational system appointed and removable by the Governor, was the ultimate organization toward which the State should aim, said:

However, we have had to take into consideration the fact that there is throughout the State a very strong conviction that the present administration of the department by the Board of Regents is successful and that a high type of citizen has been elected to membership in the Board.<sup>23</sup>

Writers on state government unite in praising the New York system. "The system adopted by New York has had excellent results," says Professor Young. Professor J. M. Mathews, of the University of Illinois, says, "A state board of education with large powers, such as that of New York, tends to add dignity and strength to the management of school affairs of the state."<sup>24</sup>

#### DEPARTMENT OF HEALTH

The proposed Department of Health will take over the functions of the State Board of Health, Health Officer, and Anatomical Board.

A State Board of Health of seven members will be appointed by the Governor. Women should be represented on the board. One of the members should be an experienced sanitary engineer. Members should receive only actual expenses.

The State Board of Health should have no administrative functions. Its powers should be those of consultant and advisor; it should consider plans and policies, and submit annually a report to the Governor containing recommendations as to needed legislation.

A Commissioner of Health, to be appointed by the Governor, would be the administrative head of the department.

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<sup>23</sup>*Ibid.*, p. 133.

<sup>24</sup>Young, *op. cit.*, p. 431; Mathews, *op. cit.*, p. 307.

It is suggested that the proposed Department of Health be divided into nine bureaus, as follows:

1. *Administration*.—Secretary of the department.
2. *Rural sanitation*.—To supervise organization and work of county health units dealing with problems of rural sanitation.
3. *Communicable diseases*.—To have control of educational work and enforcement of laws regarding reportable and quarantineable diseases.
4. *Child hygiene*.—To cooperate with the Federal Children's Bureau in administration of Sheppard-Towner Act.
5. *Vital statistics*.—To keep the State records of all vital statistics.
6. *Laboratories*.—To make examination of specimens of blood, water, etc., sent in.
7. *Venereal diseases*.—To have administration of law for treatment and repression of venereal diseases.
8. *Sanitary engineering*.—To have supervision over sewerage, water, garbage, street cleaning, mosquito control, dairies and slaughter houses, sanitation of public buildings, etc.
9. *Foods and Drugs*.—To have enforcement of law against the fraudulent adulteration of foods and drugs.

The Commissioner of Health should be authorized to create eight or more sanitary districts, each to be in charge of a District Health Officer appointed by the Commissioner. Such District Health Officers should assist the Department in the enforcement of the public health laws and the sanitary code.<sup>25</sup>

These recommendations would require only statutory changes.

Texas recommendations.—The Central Investigating Committees of the Thirty-fifth Legislature recommended that interstate and maritime quarantine should be relinquished to the Federal Government, that the Pasteur Institute should be placed under the State Board of Health, and

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<sup>25</sup>Report of Public Health Commission to Governor W. P. Hobby on the Health Conditions in Texas, 1919, p. 10.



that the Pure Food and Drug Department should be made a bureau of the Board of Health.<sup>26</sup>

In the report of the Texas Public Health Commission on the health conditions in Texas, in 1919, five recommendations were made: (1) That members of the State Board of Health should be appointed for a term of six years, one-third being appointed every two years; (2) That bureaus of Communicable Diseases, Sanitary Engineering, Rural Sanitation, Child Hygiene and Public Health Nursing, Laboratories, and Health Instruction be established; (3) That eight or more sanitary districts be created, each to be in charge of a full time District Health Officer; (4) That the State Health Officer should appoint, with the approval of the State Board of Health, bureau directors and district health officers; and (5) That adequate appropriations should be made for health work.<sup>27</sup>

Organization in other states.—In a number of states, by recent administrative consolidation acts, all health agencies have been united under a Department of Health. Among such states are Illinois, Massachusetts, Ohio, Washington, Maryland, Pennsylvania, and Tennessee.<sup>28</sup>

#### DEPARTMENT OF PUBLIC WELFARE

A Department of Public Welfare is proposed, to include the State agencies dealing with prisons, reform schools, pardons, and eleemosynary institutions—the Prison Commission, Penitentiary Supervisory Board, Auditor for Prison System, Board to Select Auditor for Prison System, Board of Pardon Advisers and Board of Control, Division of Eleemosynary Institutions.

A State Public Welfare Commission of nine members will be appointed by the Governor. Women should be represented on the board, and the members should be representative of the different welfare interests. Members should

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<sup>26</sup>Joint Report, *op. cit.*, pp. 247–249.

<sup>27</sup>Report, *op. cit.*, pp. 5–6.

<sup>28</sup>Civil Administrative Codes, *supra*, p. 78.

serve without remuneration, but should be allowed actual expenses.

The Commission should have, with reference to the Department of Public Welfare, powers of inspection, investigation, referee and consultant. It should not have administrative powers, but should confine itself to questions of policy and general administration.

A Commissioner of Public Welfare will be appointed by the Governor to be the administrative head of the department.

The department would be divided into bureaus as follows:

1. *Administration*.—Secretary of the Department.
2. *Mental hygiene*.—To have supervision over the Epileptic Colony, the Feeble-Minded Colony, and the five asylums for the insane.

3. *Hospitals*.—To control the Tuberculosis Sanatorium; Pasteur Institute, Hospital for Crippled and Deformed Children, and the American Legion Memorial Sanatorium.

4. *Confederate veterans*.—To have charge of the two homes for Confederate Veterans and their wives.

5. *Reform schools*.—To have supervision over the Girls' Training School, Training School for Boys, and county institutions of a similar character.

6. *Dependents*.—To control the Orphans' Home and Home for Dependent and Neglected Children. This bureau should also supervise county homes for aged and county homes for dependents, private, sectarian, and fraternal orphanages, home finding and child placing individuals and societies, and all other institutions, individuals and agencies that perform any service in behalf of dependents. It should also supervise the administration of the widows' pension law.

7. *Prisons*.—To have the duties of the Prison Commission, Penitentiary Supervisory Board, Auditor for Prison System, and board to select auditor for prison system.

Names of all insane asylums should be changed to "State Hospitals." More appropriate names might be found for other institutions in this group also.

The three institutions for the instruction of the deaf and dumb—the Texas School for the Blind, the School for the Deaf, and the Deaf, Dumb, and Blind Institute for Colored Youths will be placed under the supervision of the State Board of Education.

Local Advisory Boards would be created for each institution under the jurisdiction of this department. Each board should consist of five members appointed by the Governor. Women should be represented on these boards. Members should reside in the district in which the institution is located. Service should be unsalaried. These boards should have no administrative duties. Their function should be to advise and assist the Commissioner of Public Welfare and the superintendent of the institution in the management of the institution and the welfare of its inmates. They should have the right to make inspections and investigations at any time, to give advice, and to report annually their recommendations to the Governor and to the Commissioner of Public Welfare. Such boards existed prior to the passage of the Board of Control Act in 1920, but they were boards of managers with respect to their institutions. It is not contemplated that these advisory boards will have administrative control of the institution. Management will be centralized in the Department of Public Welfare. These local boards should meet at least monthly.

Conferences of all welfare workers should be held annually. There should be a semi-annual meeting of the Commissioner of Public Welfare, the directors of all bureaus, and the superintendents of all institutions, to be held at the Capitol. An annual meeting should be held of the State Public Welfare Commission, the local advisory boards, and the administrative officers of the department and institutions.

A Board of Pardons and Paroles should be constituted within the Department, to consist of the Commissioner of the Department and the Director of the Bureau of Reform Schools and Bureau of Prisons.

A constitutional amendment would be needed to abolish the Prison Commission; all other changes could be made by statute.

Texas recommendations.—The central investigating committees of the Thirty-fifth Legislature recommended that the management of the prison system be placed under one man. The committees also recommended that all local boards of managers of eleemosnary institutions be abolished and the management of all institutions be placed under a central authority. This was done by the Board of Control Act.<sup>29</sup>

Organization in other states.—By recent reorganization acts, departments of public welfare have been established in Illinois, Idaho, Nebraska, Massachusetts, Ohio, Pennsylvania, Maryland, and Tennessee.<sup>30</sup>

#### DEPARTMENT OF AGRICULTURE

The proposed Department of Agriculture will take over the powers and duties of the following officers and boards:

Commissioner of Agriculture  
Live Stock Sanitary Commission  
State Veterinarian  
Commissioner of Markets and Warehouses  
Superintendent of Weights and Measures  
Board to Select Commissioner  
Board to Review Ginning Regulations  
Agricultural Experiment Station  
State Chemist  
State Entomologist

The Department will be organized into five bureaus, as follows:

1. *Administration*.—Secretary of the Department, Division of Statistics.

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<sup>29</sup>*Reports of Subcommittees*, pp. 242, 928–932.

<sup>30</sup>Civil Administrative Codes, *supra*, p. 78.

2. *Plant industry*.—To include the present divisions of Entomology, Plant Pathology and Seeds, Orchards and Nursery Inspection, and the work of the State Chemist and Entomologist in the administration of the foul brood, fertilizer and pure feed laws, now under the Agricultural Experiment Station.

3. *Animal industry*.—To exercise the duties of the Live Stock Sanitary Commission and the State Veterinarian.

4. *Markets*.—To have the duties of the present Bureau of Markets and the Markets and Warehouse Department.

5. *Weights and measures*.—To have the duties of the Weights and Measures Division of the Markets and Warehouse Department.

The division of edible nuts would be transferred to the Agricultural Experiment Station.

A board to consist of the Commissioner and two bureau directors to be designated by him, would be organized whenever questions of a quasi-legislative or quasi-judicial nature should arise in connection with the administration of the Department. The Commissioner would be responsible for all decisions.

An Advisory Board of Agriculture of five members, to be appointed by the Governor, would be attached to the Department, with powers of advice, investigation, and recommendation.

All of the changes recommended could be made by statute.

Texas recommendations.—The central investigating committees of the Thirty-fifth Legislature recommended that all agricultural work that was educational in nature should be handled by the Agricultural and Mechanical College, and work that was administrative should be handled by the Department of Agriculture. On this basis the committees recommended that the divisions of plant pathology, edible nuts, live stock, and institute work of the Department of Agriculture to be transferred to the Agricultural and Mechanical College, and that administration of the foul brood, pure feed, and fertilizer laws be transferred to the

Department of Agriculture. The committees also recommended that the Live Stock Sanitary Commission and Markets and Warehouse Department be transferred to the Department of Agriculture and operated as bureaus under it.<sup>31</sup> Coördination and reorganization of the several agricultural agencies was recommended in the State Democratic platform of 1922.<sup>32</sup> Similar recommendations were made by Governor Neff to the Thirty-seventh Legislature.<sup>33</sup>

Organization in other states—The Department of Agriculture as outlined above, will be organized along the same general lines as the Departments of Agriculture, which have been established under reorganization codes in Illinois, Idaho, Nebraska, Massachusetts, Ohio, Pennsylvania, Washington, and Tennessee.<sup>34</sup>

#### DEPARTMENT OF LABOR

The proposed Department of Labor will take over the duties of the Commissioner of Labor Statistics, Industrial Accident Board, Industrial Commission, Mining Board and Inspector of Mines. Administration of all of the labor laws of the State would be the function of this department, which would be divided into the following bureaus:

1. *Administration*.—Secretary, office management, statistical work.

2. *Employment control*.—To enforce all labor laws except the Workmen's Compensation Act, and to assume the duties of the Mining Board and Inspector of Mines.

3. *Workmen's Compensation*.—To administer the Workmen's Compensation law now under the Industrial Accident Board.

The Industrial Commission has never been used, and its function would be abolished.

The Commissioner of the Department of Labor, the Director of the Bureau of Employment Control, and the Director

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<sup>31</sup>*Reports of Subcommittees*, p. 596.

<sup>32</sup>*House Journal*, 38th Leg., reg. sess. (1923), p. 276.

<sup>33</sup>*Senate Journal*, 37th Leg., reg. sess. (1921), pp. 172-173.

<sup>34</sup>Civil Administrative Codes, *supra*, p. 78.

of the Bureau of Workmen's Compensation would constitute a board whenever work of a quasi-legislative or quasi-judicial nature arose in connection with the administration of the Workmen's Compensation Act or other labor laws. The Commissioner would be responsible for all decisions.

Only statutory changes would be necessary to put these recommendations into effect.

Texas recommendations.—The Central Investigating Committees of the Thirty-fifth Legislature recommended that the Industrial Accident Board, State Mining Board and Mining Inspector be consolidated with the Bureau of Labor Statistics to form a Department of Labor, and that the Industrial Accident Board should consist of the Labor Commissioner, Insurance Commissioner and the Attorney-General.<sup>35</sup>

Similar recommendations were made to the Thirty-seventh Legislature by Governor Neff.<sup>36</sup>

Organization in other states.—The Department of Labor as outlined above, is very similar to Departments of Labor which have been established in the following states, which have reorganized their administrations: Illinois, Idaho, Nebraska, Massachusetts, Ohio, Washington, Maryland, Pennsylvania, and Tennessee.<sup>37</sup>

#### DEPARTMENT OF COMMERCE

Under this department would be grouped the State agencies dealing with corporations—Commissioner of Banking, Banking Board, Commissioner of Insurance, Fire Insurance Commission, Fire Marshal, Railroad Commission, and Gas Utilities Division, and the work of the Secretary of State in the administration of corporation laws.

It is proposed to establish a Department of Commerce for the administration of the duties of these various agencies. Bureaus would be organized as follows:

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<sup>35</sup>*Reports of Subcommittees*, pp. 524, 535.

<sup>36</sup>*Senate Journal*, 37th Leg., reg. sess. (1921), p. 174.

<sup>37</sup>*Civil Administrative Codes*, *supra*, p. 78.

1. *Administration*.—Secretary of the department.
2. *Banking*.—To have charge of the administration of the banking laws and the duties of the Commissioner of Banking and Banking Board.
3. *Insurance*.—Taking over the duties of the Commissioner of Insurance, Insurance Commission and Fire Marshal.
4. *Public utilities*.—To have duties of Railroad Commission; of Gas Utilities Division of Railroad Commission; and supervision over pipe line companies.
5. *Corporations*.—To have all corporation duties of the Secretary of State, including administration of the blue sky law.

The Oil and Gas Division of the Railroad Commission, since it is enforcing the conservation laws of the State relating to oil and gas, should be transferred to the proposed Department of Conservation.

The Commissioner of the Department of Commerce and the directors of two bureaus or divisions, to be designated by the Commissioner, would constitute a board when necessary to perform quasi-judicial or quasi-legislative duties in connection with the work of the Department. The Commissioner would be responsible for all decisions.

A constitutional amendment would be necessary to change the organization of the Railroad Commission. All other changes could be made by statute.

*Texas recommendations*.—The central investigating committees of the Thirty-fifth Legislature recommended that the Insurance Commission should be consolidated with the Department of Insurance and Banking.<sup>38</sup> The committees' investigation of the Railroad Commission developed the fact "That the powers of this body have been materially reduced by the Interstate Commerce Commission assuming increased jurisdiction."<sup>39</sup> "The Department is not kept very busy, and if the decision in the Shreveport rate case

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<sup>38</sup>*Reports of Subcommittees*, p. 70.

<sup>39</sup>Joint Report, *op. cit.*, pp. 253-254.



is permitted to stand it is probable that the Railroad Commission of Texas, as a rate making body, has outlived its usefulness." The committees also recommended that in the future public utilities that needed regulation should be placed under this department.<sup>40</sup>

Organization in other states.—Departments of Commerce have been established in Idaho, Nebraska, Illinois and Ohio. In Illinois and Ohio the Public Utilities Commission is a part of the Department of Commerce for administrative purposes.<sup>41</sup>

#### DEPARTMENT OF PUBLIC WORKS AND BUILDINGS

The agencies that would be consolidated into the proposed Department of Public Works and Buildings are: Highway Commission, Highway Engineer, Division of Design, Construction and Maintenance of the Board of Control, Board of Managers of the State Railroad, Parks Board, Commissioners for Gonzales State Park, Commissioners for San Jacinto State Park, and Washington State Park Commission.

It is proposed that the Department be divided into three bureaus, as follows:

1. *Administration*.—Secretary of the Department.
2. *Highways*.—To take over the duties of the Highway Commission, Highway Engineer and Board of Managers of State Railroad.
3. *Public buildings and parks*.—To conduct the work of the Division of Design, Construction and Maintenance of the Board of Control and the Parks Board.

The Registration Division of the Highway Department in charge of motor vehicle registration would be transferred to the proposed Department of Taxation and Revenue. The purpose of this transfer is to bring this division within that department which is chiefly concerned with revenue matters. The Registration Division is primarily a

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<sup>40</sup>*Reports of Subcommittees*, pp. 603-604.

<sup>41</sup>Civil Administrative Codes, *supra*, p. 78.

revenue producing agency and is concerned only secondarily with the regulation of motor vehicle traffic.

For the performance of quasi-legislative or quasi-judicial work in connection with any bureau of the department, a board would be constituted of the Commissioner of the Department and two bureau directors to be selected by him. The Commissioner would be responsible for all decisions.

Local boards of Commissioners for the different State parks would be retained to assist the Department in the management of these parks.

An unpaid Board of Public Works Advisors, to be composed of five persons appointed by the Governor, should be attached to this Department. This board would have, with reference to the Department, powers of advice, investigation, and recommendation.

All of the changes recommended could be effected by statute.

Texas recommendations.—The Central Investigating Committees of the Thirty-fifth Legislature recommended the abolition of the Highway Commission and the placing of the department under one man selected by the Railroad Commission and confirmed by the Senate. Regarding the effectiveness of Commission control of the Department, the committees said: "We believe that the policy of three appointive heads of equal powers for the management of a department, such as is that of the Highway Department, at present, is a failure and a bad policy. It results in most cases in political appointments and favor, incompetency, higher taxes, and lack of service to the people of the State . . . ." <sup>42</sup>

Organization in other states.—Departments of Public Works are provided for in the reorganized administrations of Illinois, Nebraska, Idaho, Massachusetts, Washington, Ohio, Maryland, Tennessee, and Pennsylvania. <sup>43</sup>

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<sup>42</sup>*Reports of Subcommittees*, p. 411.

<sup>43</sup>Civil Administrative Codes, *supra*, p. 78.

DEPARTMENT OF CONSERVATION

Agencies dealing with the conservation of the natural resources of the State include the Commissioner of the General Land Office, Game, Fish and Oyster Commissioner, Oil and Gas Division of the Railroad Commission, Board of Water Engineers, Reclamation Engineer, and State Forester, who is under the Agricultural and Mechanical College.

It is proposed to create a Department of Conservation to take over the work of these separate departments and bureaus. While the nature of the work of this Department is closely related to the Department of Public Works and Buildings, and there is precedent in other states for combining Conservation with Public Works into one department, it is thought best, on account of the magnitude and importance of the conservation problem in this State, to create a separate department.

Bureaus would be organized in the proposed department as follows:

1. *Administration*.—Secretary of the department.
2. *Public lands*.—To exercise the duties of the Commissioner of the General Land Office.
3. *Game and fish*.—To exercise the duties of the Game, Fish and Oyster Commissioner.
4. *Forestry*.—To conduct the work of the State Forester.
5. *Oil and gas*.—To assume the duties of the Oil and Gas Division of the Railroad Commission.
6. *Irrigation and reclamation*.—To exercise the duties of the Board of Water Engineers and Reclamation Engineer.

For the hearing and determination of questions of a quasi-judicial or quasi-legislative nature that might arise in the conduct of any bureau, a board should be organized to be composed of the Commissioner of the Department of Conservation, and two bureau directors to be designated by him. The Commissioner would be responsible for all decisions.

An Advisory Conservation Commission of five members would be appointed by the Governor, to serve without compensation and to have powers of advice, investigation and recommendation.

All of the changes recommended could be made by statute, except the abolition of the office of Commissioner of the General Land Office, which would require a constitutional amendment.

Texas recommendations.—The Central Investigating Committees of the Thirty-fifth Legislature recommended consolidation of the Reclamation Department and the Board of Water Engineers into an Irrigation and Reclamation Department.<sup>44</sup>

Organization in other states.—Departments of Conservation have been established in the reorganized administrations of Massachusetts, Washington, and Maryland<sup>45</sup>

#### DEPARTMENT OF EMPLOYMENT AND REGISTRATION

Under this department would be grouped the examining boards and commissions for the different professions, fifteen in number, and the administration of the civil service system.

The function of all the professional examining boards is the same—to examine applicants for licenses to practice the profession and to issue licenses to those passing a satisfactory examination. Following is a list of the examining boards and commissions:

- Board of Public Accountancy
- Board of Chiropody Examiners
- Board of Examiners of Cotton Classers
- Board of Dental Examiners
- Board of Embalming
- Board of Examiners of Land Surveyors
- Board of Legal Examiners
- Board of Library Examiners

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<sup>44</sup>*Reports of Subcommittees*, p. 529.

<sup>45</sup>Civil Administrative Codes, *supra*, p. 78.

Board of Medical Examiners  
Board of Nurse Examiners  
Board of Examiners in Optometry  
Board of Pharmacy  
Commissioners of Pilots  
Board of Plant Breeder Examiners  
Board of Veterinary Medical Examiners

At present there is no centralization of the work or of the records of these examining boards. Each board conducts its work separately, collects fees from applicants out of which its expenses are paid, and keeps its records, usually in the office of the secretary. Examinations are held from time to time in different parts of the State. The Secretary of State has a list of the names of the members of the different boards, but he has no record or other information about their work. This system often results in delay and other inconvenience to applicants.

Greater convenience to people doing business with these boards would result if they all had a central headquarters and a single person in charge of the records there. This would eliminate duplication and expense and result in increased efficiency.

Nothing should be done to disturb or lessen the interest of the members of the professions in the work of these boards. No changes are recommended in their organization. They should continue their present work of preparing examination questions, conducting the examination and rating the papers. The responsibility for determining the standards and qualifications of the profession are placed upon these boards.

It is believed improvement can be made in the work of these boards if they all be located in one department, which will keep their records, hold the examinations, and perform the necessary administrative work involved in correspondence, printing, advertising, compiling, certifying, licensing, and recording. A distinct service to the professions and to the public will be rendered by this department, which will be accessible at all times for information desired.

The other function of this department should be the administration of the State civil service law. It should be the employment service of the State. The State does not have a civil service system or a scientific employment policy. It is recommended that all appointments and promotions in the civil service, including bureau directors, be made according to fitness, which should be determined, as far as practicable, by competitive examination. Heads of departments and one or two deputies should not be under the civil service system.

Administration of a civil service law involves quasi-legislative, quasi-judicial and administrative work. However, the major part of the work is administrative. Experience of other states has demonstrated the failure of placing administrative work in a Commission of three coördinate members. The latest tendency in civil service administration is to make the chairman responsible for administrative work and provide two associate commissioners to assist him in quasi-legislative and quasi-judicial work.

A Commission of Employment and Registration is proposed, to be composed of a Commissioner and two Associate Commissioners appointed by the Governor for a term of six years, one member being appointed every two years. The Commissioner should be the head of the Department, give full time to his duties and be responsible for all administrative work. The Associate Commissioners should be paid only a nominal salary and traveling expenses. They should meet with the Commissioner once a week for the performance of quasi-legislative and quasi-judicial work.

The Department should be organized into three bureaus:

1. *Administration*.—Secretary of the Department.
2. *Employment*.—Administration of the civil service law.
3. *Registration*.—Supervision of the work of the several boards of registration and examination.

Organization in other states.—The Department of Employment and Registration, as outlined above, is very similar in organization to the Massachusetts Department of Civil

Service and Registration,<sup>46</sup> and to departments which have been proposed in Ohio and New York.<sup>47</sup> Maryland in 1920 provided for a single Employment Commissioner.<sup>48</sup>

#### STATE COUNCIL OF EDUCATION

The governing boards for the institutions of higher education in Texas are: the Board of Regents of the University of Texas, with control of the Main University at Austin, the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; the Board of Directors of the Agricultural and Mechanical College, who also have control over the Prairie View State Normal and Industrial College for Colored Teachers, the John Tarleton Agricultural College, the Main Experiment Station and substations, and supervision of the Board of Managers of the North Texas Junior Agricultural College; the Board of Regents of the College of Industrial Arts; the Board of Directors of Texas Technological College; and the Normal School Board of Regents with control over eight State teachers' colleges.

Each board manages its institution independent of any central supervision, except through the appointment of members by the Governor and the supervision of the Board of Control through its power to prepare the educational budgets, and control over purchases and public buildings.

Complaints of unnecessary duplication in the curricula and other activities of the institutions of higher education and dissatisfaction with the present method of preparing the educational budget by the Board of Control led in 1921 to the appointment by the Legislature of a non-salaried committee to make a survey of the State institutions of higher education. The committee reported to the regular session of the Thirty-eighth Legislature.

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<sup>46</sup>*General Laws*, Massachusetts, 1921, Vol. I, pp. 65-71.

<sup>47</sup>Don C. Sowers, *Report on Summary of Recommendations for the Administrative Reorganization of Ohio's State Government*, p. 38; *Report of Reconstruction Commission*, p. 217.

<sup>48</sup>*Laws of Maryland*, 1922, pp. 70-72.

The committee recommended the creation of an unpaid State Board of Higher Education to be composed of seven members to be appointed by the Governor by and with the advice and consent of the Senate, to serve for six years, one-third of the membership being appointed every two years. The Board should have authority to employ an executive secretary and fix his salary. The Board should be given powers to (1) make adjustments in the curricular and extension activities as may be necessary to eliminate duplication and confusion, (2) to advise with boards of the different institutions about matters of management and instruction, (3) to pass upon the budget estimates of all institutions before submission to the Board of Control, (4) to pass upon the establishment and location of all new institutions of higher education, and (5) to report to the Governor and to the Legislature its findings and recommendations as to the improvement and development of higher education in Texas. The report of the committee included letters from the heads of the various educational institutions and a valuable digest of the constitutional and statutory provisions for the organization and support of higher education in other states.<sup>49</sup>

No specific action was taken by the Legislature on this report, but a survey of the entire educational system of the State was authorized and \$50,000 appropriated for its expenses.<sup>50</sup>

Proposed organization.—A State Council of Education is proposed to be composed of fifteen members to be appointed by the Governor. Nine of these members should be non-salaried laymen, some of whom should be women, not connected with any school or institution, appointed for a term of nine years, one member being appointed every year. The other six members should be the Commissioner of Education, and the Chairman of the Board of Regents of the University, Agricultural and Mechanical College, Texas

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<sup>49</sup>"Report of the Committee on the Survey of the State Institutions of Higher Education," in *Senate Journal*, 38th Leg., reg. sess. (1923), pp. 203-291.

<sup>50</sup>*Laws*, 38th Leg., reg. sess. (1923), pp. 258-260.



Technological College, College of Industrial Arts, and the Normal Schools. The board should employ a full time research secretary and fix his salary.

This board should have power:

(1) To visit the different institutions, as a whole, or by committee, and to confer with the governing boards and presidents;

(2) To coördinate the curricular and extension activities, eliminating unnecessary duplications;

(3) To pass upon the establishment and location of all new institutions of higher education;

(4) To supervise the finances of the institutions and to revise the budgets of the institutions and the Department of Education before submission to the Governor;

(5) To convene annually a conference of the members of the governing board and heads of the different institutions, and State Board of Education;

(6) To report annually to the Governor its progress toward harmonizing the educational interests of the State and molding the institutions into one effective system.

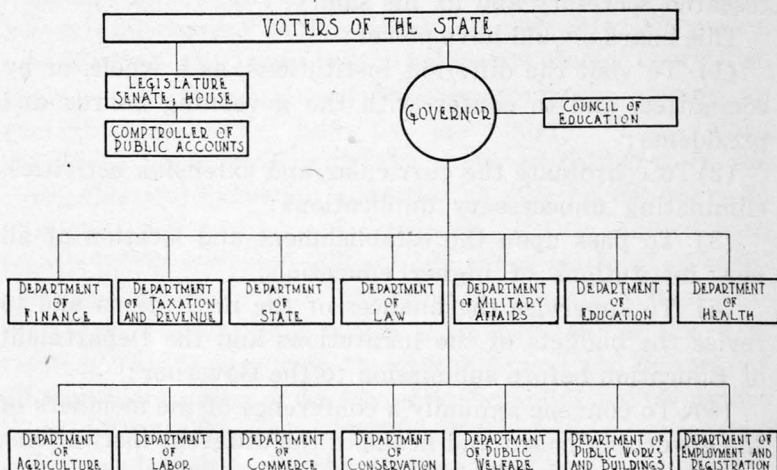
A constitutional amendment would be necessary to give appointive members of the board a nine-year term.

Organization in other states.—Thirty-one states maintain separate governing boards for the different institutions of higher education. Eighteen states have adopted some plan of coördination of the work of the different institutions into a system of higher education. The tendency in all states is away from separate or decentralized control toward centralized control. The plan outlined for this State is very similar to the system found in Alabama, Oregon and Washington.<sup>51</sup>

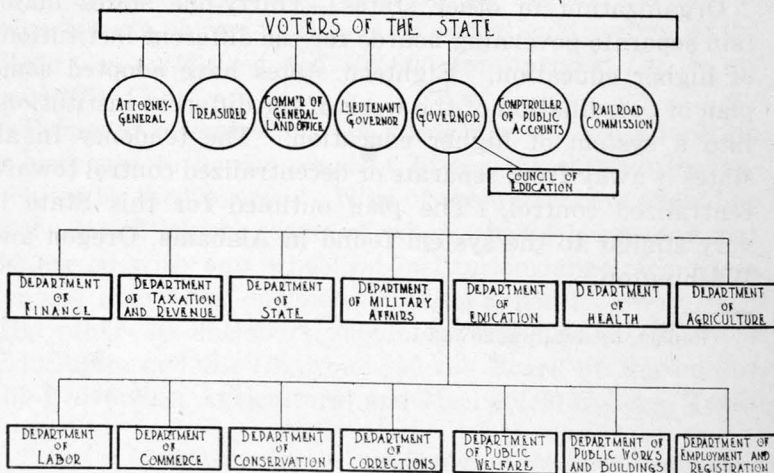
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<sup>51</sup>Report, *op. cit.*, pp. 267-291.

PROPOSED ORGANIZATION OF STATE ADMINISTRATION  
REQUIRING CONSTITUTIONAL CHANGES



PROPOSED ORGANIZATION OF STATE ADMINISTRATION  
WITHOUT CONSTITUTIONAL CHANGES



## CHAPTER VI

### PROPOSED REORGANIZATION OF ADMINISTRATION WITHOUT CONSTITUTIONAL CHANGES

It has been seen that, by amending several sections of the Constitution, the administrative agencies of the State Government could be grouped into fourteen major departments. But a large part of the recommendations could be effected by legislative action alone. Without changing the Constitution, eighteen departments would be necessary.

Fourteen departments could be created in charge of commissioners appointed by the Governor and responsible to him. No change would be necessary in the proposed organization for the following departments:

1. *Department of Health*
2. *Department of Labor*
3. *Department of Employment and Registration*
4. *Department of Agriculture*
5. *Department of Public Works and Buildings*
6. *Department of Finance*
7. *Department of Military Affairs*
8. *Department of State*

Constitutional limitations would require changes in the following departments:

9. *Department of Conservation.*—The Commissioner of the General Land Office would remain a constitutional elective officer.

10. *Department of Commerce.*—The Railroad Commission, a constitutional body, would not be consolidated with this department.

11. *Department of Education.*—The constitutional Board of Education could be confined to its constitutional duties in relation to the department. A State Board of Public School Regents should be created to have control

of this Department, with all of the powers recommended for the Board of Education.<sup>1</sup>

12. *Department of Public Welfare.*—Control of the prison system would be taken from this department, and left under the Board of Prison Commissioners.

13. *Department of Corrections.*—This would be a new department with the Prison Commission at its head. The Commission should be made an advisory, unpaid body and should appoint a director to have executive management of the prison system. A Board of Prison Welfare, to consist of five members to be appointed by the Governor, should be created, to have powers of advice, investigation, inspection and recommendation. The Prison Commission should act as a Board of Pardon and Parole.

14. *Department of Taxation and Revenue.*—The State Treasurer would remain an elective constitutional official in charge of the Treasury Department.

Four departments would remain under constitutional elective officials.

15. *Department of Law.*—This Department would be in charge of the Attorney-General, elected by the people. No other changes would be made in the previous recommendations.

16. *Department of Public Lands.*—The Commissioner of the General Land Office would head this Department.

17. *Treasury Department.*—The State Treasurer would be in charge of this Department. The Depository Board and the Rate Making Board would be consolidated with this Department.

18. *Department of Public Utilities.*—This Department would be under the Railroad Commission. The Oil and Gas Division would be transferred to the proposed Department of Conservation. All public utilities should be regulated by this Department.

Constitutional limitations would cause certain other changes in the plan outlined. The office of Lieutenant

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<sup>1</sup>*Supra*, p. 85.

Governor would remain with its present organization and duties. Terms of single officials, unless fixed in the Constitution, could not exceed two years. Boards could not be given more than a six-year term. Salaries and duties of constitutional officials could not be changed, but statutory duties could be changed. It is probable that all appointments of the Governor would have to be confirmed by the Senate. It would not be possible to give the Governor an independent power of removal, increase his salary, lengthen his term, induct him into office in December, give him a seat in the Legislature, and allow the Legislature to remove him. The administrative council would be composed of the Governor and the heads of the eighteen departments.

The Comptroller of Public Accounts would continue to be elected by the people and act as an independent auditor of the administration. His powers would be confined to those of an auditing nature, as recommended in a previous chapter.<sup>2</sup>

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<sup>2</sup>*Supra*, p. 63.



Part III

CONCLUSION





# CHAPTER I

## RESULTS TO BE EXPECTED

### ECONOMY AND EFFICIENCY IN THE ADMINISTRATION

The principal results to be expected from the adoption of this reorganization plan are greater economy and efficiency in the State administration. These should result from the application to the State organization of the scientific principles of reorganization worked out and applied in other states.

Exact estimates of economies possible through reorganization are difficult to make. Some idea may be secured, however, from the estimates of economies made by the central investigating committees of 1917. The committees estimated annual savings of approximately \$1,000,000 through the adoption of their recommendations regarding consolidation and the conduct of the State's business. The specific savings estimated were—(1) Through operation of the Board of Control in centralized purchasing, printing, auditing, budget making and the control of eleemosynary institutions, \$250,000; (2) Through operation of a depository law, \$150,000; (3) Through departmental consolidations, reorganizations and reform of business methods, \$599,694,—total, \$999,694.<sup>1</sup>

In his message to the Thirty-seventh Legislature, Governor Neff twice recommended certain consolidations. He estimated that the minor consolidations recommended would save at least one hundred thousand dollars a year in the operating expenses of the Government, and at the same time “set a higher standard of efficiency in the affairs of State.”<sup>2</sup>

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<sup>1</sup>“Joint Report of Central Investigating Committee,” in *House Journal*, 35th Leg., 4th called sess. (1918), pp. 255-257.

<sup>2</sup>*House Journal*, 37th Leg., reg. sess. (1921), p. 262.

The Commissioner of Agriculture has estimated that at least two hundred thousand dollars a year could be saved by a consolidation of the agricultural agencies with the Department of Agriculture.<sup>3</sup>

A former Lieutenant Governor believes that "close to a million dollars annually" could be saved by the consolidation of overlapping departments.<sup>4</sup>

Besides savings possible through elimination of unnecessary and overlapping positions, great economies should follow from improved methods of administration, from a scientific budget system and financial control of the administration, from a scientific employment policy, from a more efficient management of the prison system, from a more careful preparation and supervision of the printing of State reports, and in general from more efficient administration.

#### RESULTS IN OTHER STATES

Results accomplished in other states afford a more definite basis of estimating possible economies under this plan of reorganization. For purposes of comparison the following typical states will be taken: Illinois, Idaho, Nebraska, Tennessee, and Pennsylvania.

Describing the experience of Illinois with two years of operation under the Civil Administrative Code, Governor Frank O. Lowden said:

That Code went into effect on July 1, 1917, and we have been operating under it ever since. Appropriations made by our General Assembly, two years ago, were based upon pre-war prices and conditions. And yet we will have completed the biennium on June 30 without a deficiency in any department under the Code, with the exception of the single item of supplies for the charitable and penal institutions in the Department of Public Welfare. And the deficit in this item will be more than counterbalanced by the unexpended balances in other departments at the close of the fiscal year.

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<sup>3</sup>*Dallas Morning News*, Feb. 10, 1924.

<sup>4</sup>*Ibid.*, Feb. 10, 1924.

The chief benefit, however, derived from the Administrative Code in actual practice, as was predicted, is the increased efficiency in our State Government. It could have had no more severe test than it received during the Great War. A large number of the State's most expert officials and employees were drawn upon by the Government at Washington because of the exigencies of the war. The same difficulties arose in the conduct of public business, which vexed private business so much. There was necessarily much confusion. The cost of all supplies rose rapidly. Unless the more than a hundred scattered agencies, which had existed theretofore, had been welded by the Civil Administrative Code into a compact and coördinate government, anything like efficient State Government, during these difficult times, would have been impossible. Illinois, through the greater elasticity and efficiency of the new form of Government, was able to meet every emergency of the war without a special session of her Legislature; though special sessions had become the rule and not the exception.<sup>5</sup>

Critics of the Illinois system contended that it would break down in the hands of an unsympathetic administration. In 1921 Governor Lowden retired and a political opponent was elected Governor. To make a survey of the new administration, Mr. A. E. Buck, staff member of the New York Bureau of Municipal Research, an expert in budget making and administrative reorganization, visited Illinois in the summer of 1922. Mr. Buck found the Government

in the hands of an unsympathetic and patronage-seeking administration, but it had not failed as many of its critics thought it would. In fact, it continues to stand out in sharp contrast to the old order of things.

Under the code system the state is certain to have good administration at least part of the time whereas under the old scheme of organization the administration was almost always wasteful and inefficient. Through the system now in operation the people will in time come to appreciate and to demand good government, thus electing to office able state executives. Under the old scheme this would not happen.

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<sup>5</sup>F. O. Lowden, "Problems of Civil Administration," in *North American Review*, Vol. CCX (Aug., 1919), pp. 189-190.

It is safe to say that many of the methods introduced by the code system are now so well established that they will continue despite the political character of administrations, like the present one, that may now and then, get into power.

Among the "striking results" of the code system, which have not been overturned by the present administration are: departmentalization of activities; establishment of cabinet administration; financial and budgetary control; centralized purchasing; control of departmental reports and printing; unified institutional management; improved agricultural administration; and extensive road construction.<sup>6</sup>

Governor D. W. Davis, of Idaho, speaking before the Governors' Conference in Salt Lake City in August, 1919, said:

This is the dawn of a new era in civil administration. As I have watched the workings of the new plan of the cabinet form of centralized state government in Idaho, where fifty-one departments, boards and bureaus have been put under nine heads, I am convinced of this. I have actually seen the enthusiasm, the exchange of ideas; the feeling of added responsibility; as I sat in the cabinet meetings and have noted the difference between the old régime and the new, and I have come to believe the day past when the worn out, creaking system of state government will do. That the red tape and costly duplication of the past is gone in Idaho is my firm belief.<sup>7</sup>

In Nebraska, after nearly three years of operation under the new code, the Legislature, in special session, at the recommendation of the Governor, reduced the appropriations for the biennium 1921-1923, \$2,051,755.85, making possible a cut in the State tax levy for the second year of the biennium from three to two mills or 33 1-3 per cent.

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<sup>6</sup>A. E. Buck, "The Illinois Civil Administration System—What It Has Accomplished," in *National Municipal Review*, Vol. XI (Nov., 1922), pp. 362-367.

<sup>7</sup>D. W. Davis, "How Administrative Consolidation is Working in Idaho," in *National Municipal Review*, Vol. VIII (Nov., 1919), pp. 615-620.

Quoting again from Mr. Buck:

The important results that have been brought about by the application of the code are (1) the integration and departmentalization of related activities of the State Government; (2) the application of the cabinet idea to the work of the State administration; (3) the establishment of a budget system with uniform financial control over State expenditures; (4) the installation of a central accounting system; (5) the establishment of a system of employment and personnel control; and (6) the inauguration of a State purchasing system.<sup>8</sup>

In January, 1923, Tennessee adopted a reorganized administration plan, calling for eight main departments. In his message to the new Legislature the incoming Governor called attention to a deficit in State accounts of over \$2,500,000. Of the Tennessee reorganization Mr. Buck says:

Since the Tennessee reorganization plan has been in operation only a short time at this writing it is not yet possible to show the actual economies that will be made by the application of the business methods instituted by the new system. But it is possible at this time to compare the appropriations made by the 1923 Legislature to run the government for the biennium of 1923-1925 with the actual operating expenditures of the old government for the last biennium of 1920-1922. This comparison shows a total reduction in the operating costs of the State Government for the next biennial period of \$1,547,200. Of this amount, \$147,500 is the result of economies on the part of the 1923 Legislature, and \$177,750 is an estimated reduction in the cost of operating the State judicial system. When these two items have been deducted from the total reduction, there remains \$1,221,950, which amount is a reduction in the administrative or departmental cost of the State Government.<sup>9</sup>

In 1923 Pennsylvania adopted an Administrative Code involving a reorganization in the structure of the Government, standardization of purchases, salaries and positions,

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<sup>8</sup>A. E. Buck, "Nebraska's Reorgnaized State Administration," in *National Municipal Review*, Vol. XI (July, 1922), pp. 192-200.

<sup>9</sup>A. E. Buck, "Administrative Reorganization in Tennessee," in *National Municipal Review*, Vol. XII (Oct., 1923), pp. 592-600.

the executive budget and fiscal control. When the new system went into effect there was an appropriation liability or deficit of \$29,000,000. This had been incurred as a result of haphazard financial and administrative methods under previous administrations. Regarding the results of the plan Professor Clyde L. King, Secretary of the Commonwealth, writes that the present administration

has undertaken to run the appointive departments for \$29,000,000 less in this than the preceding biennium and to give better service as good measure.

The Governor asked all the spending agencies filing budgets to spend but 45 per cent of their total expenditures in the first year of the biennium and in addition to postpone every possible capital or other expenditure to the second year. As a result of this request expenditure of over \$7,000,000 has been postponed. This measure was necessary to meet the over expenditures, which have averaged \$11,500,000 a month . . . and amounted to \$9,100,000 on August 1 of this year. The greater part of the State income is due in November, and the Governor by strict budgetary control hopes to present the State with a New Year present of cash on hand equal to bills due for the first time in many a long year.<sup>10</sup>

Thus the experience of other States has demonstrated that a more efficient administration conducted at less cost will result from the application of scientific principles of public administration in the organization and conduct of the State's business.

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<sup>10</sup>C. L. King, "Fiscal and Administrative Reorganization in Pennsylvania," in *American Political Science Review*, Vol. XVIII (Nov., 1923), pp. 597-608.

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